

26

Muhammad Sharif etc vs NADRA

**IN THE COURT OF FARMAN ULLAH,**  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 35/1 of 2021  
Date of Institution: 19/04/2021  
Date of Decision: 27/10/2021

**1. Muhammad Shareef s/o Gul Zali Shah**  
**2. Shah Man Khela w/o Muhammad Shareef**  
R/o Qoam Rabia Khel, Sefal Dara, Tehsil Ismail Zai, Upper District Orakzai  
(Plaintiffs)

VERSUS

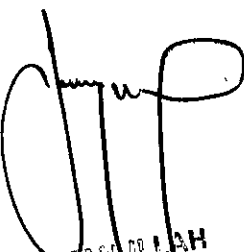
1. **Chairman, NADRA, Islamabad.**  
2. **Director, General NADRA KPK Peshawar.**  
3. **Assistant Director, Registration NADRA District Orakzai**  
(Defendants)

**SUIT FOR DECLARATION, PERMANENT AND MANDATORY  
INJUNCTION**

**SUMMARY JUDGEMENT:**

**27.10.2021**

Brief facts of the case in hand are that the plaintiffs,  
**Muhammad Shareef s/o Gul Zali Shah and Shah Man  
Khela w/o Muhammad Shareef** have brought the instant suit  
for declaration, permanent and mandatory injunction  
against the defendants, referred hereinabove, seeking  
declaration therein that the correct date of birth plaintiff  
No.1 is **02.01.1960** and of plaintiff No. 2 is **01.01.1961**  
while the same have been wrongly mentioned as 1966 and  
01.01.1975 respectively in their CNICs by the defendants.  
Similarly, the correct name of the plaintiff No.2 is **Shah  
Man Khela** while defendants have wrongly mentioned the

  
FARMAN ULLAH  
Senior Civil Judge  
Orakzai at Baber Mela  
27.10.21

27

name of plaintiff No. 2 as Shah Mano in her CNIC, which is against the facts and circumstances. That date of birth of the elder son of the plaintiffs namely Muhammad Shaheed Khan is 22.06.1977, which has been correctly recorded in his CNIC while date of birth of plaintiff No.1 recorded in his CNIC is 1966, and of plaintiff No. 2 is 01.01.1977. So, the difference between the age of father (plaintiff No.1) and his son namely Muhammad Shaheed Khan is 10-1/2 years and similarly the difference between the age of mother (plaintiff No.2) and her son namely Muhammad Shaheed Khan is 02 years, which is unnatural gap between the plaintiffs and their son. That defendants were repeatedly asked to correct the date of birth of plaintiffs and the name of the plaintiff No.2 but they refused. Hence, the instant suit.

1. Defendants were summoned, who appeared through attorney namely **Syed Farhat Abbas**, and submitted their written statement.

2. During proceedings, plaintiffs submitted an application to decide the case through summary judgement in view of available record. To this effect notice was given to the defendants that why not case in hand be decided on the basis of available record without recording pro and contra

28

evidence, as the primary aim and objective of Amended Management Rules in CPC is, "to enable the court to-

- a. Deal with the cases justly and fairly;
- b. Encourage parties to alternate dispute resolution procedure if it considers appropriate;
- c. Save expense and time both of courts and litigants; and
- d. Enforce compliance with provisions of this Code."

Learned counsel for plaintiffs and representative for defendants heard and record gone through.

Record reveals that plaintiffs through instant suit are seeking the correction of name of plaintiff No. 2 as Shah Man Khela instead of Shah Mano and the correction of date of birth of plaintiff No.1 as 02.01.1960 instead of 1966 while of plaintiff No. 2 as 01.01.1961 instead of 01.01.1975.

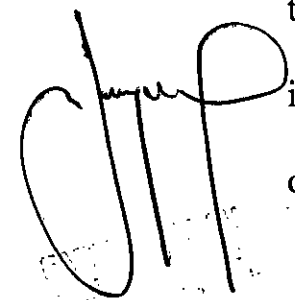
The perusal of family tree of plaintiffs and family tree of Muhammad Shaheed Khan (son of plaintiffs) produced by the defendants reveal that Rehmat Ullah and Muhammad Shaheed Khan are the sons of plaintiffs and the name of their mother has been recorded as Shah Man Khela. So, the family trees available on file clearly establishes that the correct name of plaintiff No.2 is Shah Man Khela instead of Shah Mano. Similarly, the family trees produced by the defendants, CNICs of plaintiffs and Muhammad Shaheed

  
FAROOQ ULLAH  
Senior Civil Judge  
District Court, Khela  
27.10.21

29

Khan depict that the date of birth of plaintiff No. 1 has been recorded as 1966 and of plaintiff No.2 as 01.01.1975 while the date of birth of their son namely Muhammad Shaheed Khan has been recorded as 02.06.1977. So, the difference between the age of plaintiff No. 2 with her son Muhammad Shaheed Khan is 02 years while difference between the age of plaintiff No.1 with his son Muhammad Shaheed Khan is 10-1/2 years. Such difference between the age of parents and their son on the face of it appears to be unnatural and contrary to the facts. This fact alone clearly establishes that the date of birth of plaintiffs have been wrongly recorded in their CNICs and other NADRA records. So, the available record supports the contention of plaintiffs and it establishes that the correct date of birth of plaintiff No. 1 is 02.01.1960 instead of 1966 and of plaintiff No.2 is 01.01.1961 instead of 01.01.1975.

3. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff No.1 as 02.01.1960 and of plaintiff No.2 as 01.01.1961 and similarly, the name of

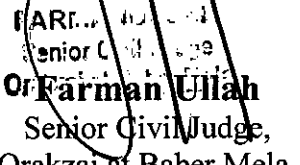
  
27.10.21

30

the plaintiff No.2 as Shah Man Khela in their record and in the CNICs of the plaintiffs.

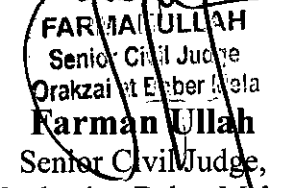
4. Parties are left to bear their own costs.
5. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
27/10/2021

  
FARMAN ULLAH  
Senior Civil Judge  
Orakzai at Baber Mela.  
**Farman Ullah**  
Senior Civil Judge,  
Orakzai at Baber Mela.

**CERTIFICATE**

Certified that this judgment of mine consisting of **05** (five) pages, each has been checked, corrected where necessary and signed by me.

  
FARMAN ULLAH  
Senior Civil Judge  
Orakzai at Baber Mela  
**Farman Ullah**  
Senior Civil Judge,  
Orakzai at Baber Mela.