

24

**IN THE COURT OF SAMI ULLAH,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA**

Civil Suit No. 68/1 of 2023
Date of Institution: 19/12/2023
Date of Decision: 16/01/2024

Gulman Shah S/O Pahalwan Shah

R/O Qoam Mamozai, Tappa Sepaye, Toor Smath, PO Ghiljo, Tehsil Upper,
District Orakzai.

.....(Plaintiff)

VERSUS

1. Chairman Nadra, Islamabad
2. Director General Nadra, Peshawar
3. Assistant Director Nadra, District Orakzai.

..... (Defendants)

**SUIT FOR DECLARATION CUM PERPETUAL AND
MANDATORY INJUNCTION**

SUMMARY JUDGEMENT:

16.01.2024

1. Brief facts of the case in hand are that the plaintiff, **Gulman Shah** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **01.01.1988**, while it has been wrongly mentioned as 1981 by the defendants in their record with respect to the plaintiff which is wrong and ineffective upon the right of plaintiff. Similarly, the date of birth of father and mother of plaintiff are 1967 and 02.01.1970 respectively. Thus, there is un-natural gap of 14 and 11 years

Sam Ullah
16-01-2024
Sami Ullah
Civil Judge/JM-1
Orakzai at (Babar Mela)

between the age of plaintiff and his parents, which is liable to correction. That the defendants were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit.

2. Defendants were summoned, who appeared through their representative namely Mr. Irfan Hussain, who submitted written statement.

3. During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in the instant case is petty in nature, which can be decided through summary judgement as per relevant record. To this effect notice was given to the parties that why not the case in hand be decided on the basis of available record without recording lengthy 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."

4. Arguments of both the parties on summary notice were heard. After keeping in consideration available record on file and arguments of the learned counsel of plaintiff and representative of defendants, the court proceeded with summary proceedings in the instant case.

L. Amir
Ullah
16-01-2024
Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)

5. The plaintiff produced his father as a witness and he himself appeared as a witness in his favour who recorded the statements and testified that the correct date of birth of the plaintiff is **01.01.1988**.
6. Plaintiff himself recorded his statement as PW-1 and stated that his correct date of birth is **01.01.1988** while it has been wrongly mentioned as 1981 by the defendants in their record. He further stated that due to incorporation of wrong date of birth by defendants in the record of plaintiff, there is un-natural gap of 14 and 11 years between the age of plaintiff and his parents. Furthermore, plaintiff and his sister are twins. Copy of his CNIC, CNICs of his mother and his sister are Ex.PW-1/1 to Ex.PW-1/3 respectively.
7. PW-02 namely Pahlwan Shah said in his statement that plaintiff is his son and correct date of birth of plaintiff is **01.01.1988** while it has been wrongly mentioned as 1981 by defendants, due to which there is unnatural gap of 14 years between his age and age of plaintiff and 11 years between age of his wife and age of plaintiff. Copy of his CNIC is Ex.PW-2/1.
8. Nothing incriminating was recorded in cross examination of PWs.
9. Representative of NADRA appeared as DW-01. He produced family tree, which is Ex. DW-1/1. According to this document, the date of birth of plaintiff, father and mother of

L. Amir Ullah
01-2024
 Amir Ullah
 Civil Judge/JM-1
 Orakzai at (Babar Mela)

plaintiff are 1981, 1967 and 02.01.1970 respectively. He placed his reliance on the said document.

10. Learned counsel for plaintiff and representative for defendants heard and record gone through.

11. Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that his correct date of birth is **01.01.1988**, while it has been wrongly mentioned as 1981 by the defendants in their record with respect to the plaintiff. Furthermore, there is no counter document available with the defendants to rebut the document produced by the plaintiff in support of his stance. Hence, in these circumstances, the exhibited documents are admissible and reliance is placed on it alongwith evidence of the witnesses and is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff. Furthermore, there is unnatural gap in age of the plaintiff with his parents.


12. 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 plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **01.01.1988** instead of 1981 in their record.

13. Parties are left to bear their own costs.

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16-01-2024
Civil Judge/JM-I
Orakzai et (Babar Mela)


14. File be consigned to the record room after its necessary completion and compilation.

Announced
16.01.2024


Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela)

CERTIFICATE

Certified that this judgment consists of 05 (Five) pages, each has been checked, corrected where necessary and signed by me.


Sami Ullah
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Orakzai (at Baber Mela)