

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

Civil Suit No. 1/1 of 2022  
Date of Institution: 01/01/2022  
Date of Decision: 24/02/2022

1. **Rasool Khan S/O Hayat Gul**
2. **Siyal Bibi W/O Hayat Gul**  
Both R/O Qoum Rabia Khel, Tappa Piyao Khel, Sifal Darra, Tehsil  
Ismail Zai, District Orakzai

*(Plaintiffs)*

**VERSUS**

1. **Board of Intermediate and Secondary Education, Kohat through its chairman.**
2. **Chairman NADRA, Islamabad, Pakistan.**
3. **Director General NADRA, KPK, Peshawar.**
4. **Assistant Director, NADRA, District Orakzai.**

*(Defendants)*

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

**SUMMARY JUDGEMENT:**


**24.02.2022**

1. Brief facts of the case in hand are that the plaintiffs, **Rasool Khan and Siyal Bibi**, have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff No. 01 is **06.04.2004**, while it has been wrongly mentioned as **06.04.2000** by the defendant No. 01 in its record with respect to the plaintiff while the correct date of birth of the plaintiff No. 02 is **01.01.1985** while the defendants No. 02 to 04 have

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wrongly mentioned it in their record as 01.01.1988. That the plaintiff No. 01 is the son of the plaintiff No. 02. That the defendant No. 01 has wrongly mentioned the date of birth of the plaintiff No. 01 as 06.04.2000 in DMC and that according to the policy of defendant No. 01, the age limit for Matric is 16 years whereas, the age of plaintiff No. 01 for Matric becomes 19 years. That the date of birth of the plaintiff No. 01 in Matric DMC is mentioned as 06.04.2000 while the date of birth of the plaintiff No. 02 is mentioned as 01.01.1988 and the date of birth of the father of plaintiff No. 01 is mentioned as 01.01.1986 in the record of defendants No. 02 to 04. Thus, there is an unnatural gap of 12 years and 14 years approximately between the dates of birth of the plaintiff No. 01 and his parents, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to correct the date of birth of plaintiffs but they refused, hence, the instant suit.

2. Defendants were summoned, who appeared through their legal advisor namely Shaheen Muhammad advocate on behalf of the defendant No. 01 and representative namely Syed Farhat Abbas on behalf of the defendants No. 02 to 04, who submitted written statements.

  
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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 very 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.”

Learned counsel for plaintiffs and legal advisor for defendants heard and record gone through.

Record reveals that plaintiffs through instant suit are seeking correction of their dates of birth to the effect that correct date of birth of the plaintiff No. 01 is **06.04.2004**, while it has been wrongly mentioned as 06.04.2000 by the defendant No. 01 in its record with respect to the plaintiff while the correct date of birth of the plaintiff No. 02 is **01.01.1985** while the defendants No. 02 to 04 have wrongly mentioned it in their record as 01.01.1988. That the plaintiff No. 01 is the son of the plaintiff No. 02. That the defendant No. 01 has wrongly

mentioned the date of birth of the plaintiff No. 01 as 06.04.2000 in DMC and that according to the policy of defendant No. 01, the age limit for Matric is 16 years whereas, the age of plaintiff No. 01 for Matric becomes 19 years. That the date of birth of the plaintiff No. 01 in Matric DMC is mentioned as 06.04.2000 while the date of birth of the plaintiff No. 02 is mentioned as 01.01.1988 and the date of birth of the father of plaintiff No. 01 is mentioned as 01.01.1986 in the record of defendants No. 02 to 04. Thus, there is an unnatural gap of 12 years and 14 years approximately between the dates of birth of the plaintiff No. 01 and his parents, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. The plaintiffs were directed to produce original record which they produced accordingly. Record reveals that the gap between the plaintiff No. 01 and his parents is unnatural according to the registration policy of NADRA. Thus, in the light of available record i.e CNICs of the plaintiff No. 02, the father of the plaintiff No. 01 and DMC of the plaintiff No. 01, there is a gap of 12 & 14 years approximately between the dates of birth of the plaintiff No. 01 and his parent, which is very unnatural and impossible naturally. So, the available record clearly negates the incorporation of date of birth of the

  
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plaintiff No. 01 as 06.04.2000 in his Matric DMC and the date of birth of the plaintiff No. 02 as 01.01.1988 in her CNIC. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiffs in support of their stance. Hence, in these circumstances, the said documents are admissible and reliance is placed on it and are 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 plaintiffs.

5. 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 succeed and is hereby **decreed** as prayed for. Defendants are directed to correct the date of birth of plaintiff No. 01 as **06.04.2004** and date of birth of the plaintiff No. 02 as **01.01.1985** in their record and in the DMC of the plaintiff No. 01 and CNIC of the plaintiff No. 02.
6. Parties are left to bear their own costs.
7. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
24.02.2022



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Orakzai (at Baber Mela)