

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

Civil Suit No. 71/1 of 2021
Date of Institution: 12/11/2021
Date of Decision: 09/03/2022

Khurshid s/o Zar War Khan

Section Rabia Khel, Sub-Section Piao Khel, Saifal Dara, PO Saifal Dara, Tehsil
Ismailzai & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

SUMMARY JUDGEMENT:

09.03.2022

1. Plaintiff, **Khurshid s/o Zar War Khan**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **05.09.2004**, which has been correctly recorded in his school record but defendants have wrongly mentioned the same as **10.07.2003** in Form "B", which is against the facts and circumstances. That defendants were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, instant suit.
2. Defendants were summoned, who appeared through attorney namely **Syed Farhat Abbas**, and submitted their written statement.

FARMAN ULLAH
Senior Civil Judge
Orakzai at Baber Mela

09.03.22

23

3. During the discovery management and scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involve in the instant case is very petty in nature, which can be decided through summary judgement as per relevant record and to this effect notice was given to the parties that why not case in hand be decided on the basis of available record without recording pro and contra evidence, as the primary aim and objective of Amended Management Rules in CPC is, "*to enable the court to-*
- Deal with the cases justly and fairly;*
 - Encourage parties to alternate dispute resolution procedure if it considers appropriate;*
 - Save expense and time both of courts and litigants; and*
 - Enforce compliance with provisions of this Code."*

FARMANULLAH
Senior Civil Judge
Orakzai, Baber Mela

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

09.03.22
4.
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 **05.09.2004** but defendants have wrongly mentioned the same as **10.07.2003**. Plaintiff in support of his contention has annexed the copies of register for Admission and Withdrawal of school, wherein, date of birth of plaintiff has been mentioned as **05.09.2004**. So, the educational document supports the contention of plaintiff and there is no counter

24

document available with the defendants to rebut the said documents.

5. Moreover, the register for Admission and withdrawal is official record maintained in proper custody. Hence, a presumption of truth is attached to such record and is admissible and reliance is placed on it, which is sufficient to decide the fate of instant case and no useful purpose would be served to proceed further and record evidence of the parties. So, the available record clearly establishing the claim of plaintiff.

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 **05.09.2004** in their record.

6. Parties are left to bear their own costs.

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

Announced
09/03/2022

Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

CERTIFICATE

Certified that this judgment of mine consists of **03** (three) pages including this page; 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.