

IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-I, CAMP COURT, KALAYA, ORAKZAI

Civil Suit No: 131/1 of 2021
Date of Institution: 31/07/2021
Date of Decision: 25/02/2022

Israfeel Khan S/O Moeen Gul

R/O Qoum Shiekhan, Tappa Samozai, Tehsil Central, District Orakzai.

(Plaintiff)

VERSUS

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

(Defendants)

SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTION

SUMMARY JUDGEMENT:

25.02.2022

1. Brief facts of the case in hand are that the plaintiff, **Israfeel Khan**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **01.01.1978** according to his Service Record, while It has been wrongly mentioned as 1972 in his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That defendants were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit. Defendants were summoned, who appeared through their representative namely Syed Farhat Abbas, who submitted written statement.

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2. 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 plaintiff and representative for defendants heard and record gone through.


Accordingly, the record keeper of the CVD Kangana was summoned, who appeared and recorded his statement as CW-1, who produced the Service Record which is exhibited as Ex. CW-1/1, wherein the date of birth of the plaintiff is **01.01.1978**.

3. 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 **01.01.1978** according to Service Record, while it has been wrongly mentioned as 1972 in his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced the copies of his Service Record wherein the date of birth of the plaintiff has been mentioned

as 01.01.1978. So, the Service Record of the plaintiff clearly negates the incorporation of his date of birth as 01.01.1972 in his CNIC. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of his stance. Hence, in these circumstances, the said documents are admissible and reliance is placed on them 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 plaintiff.


- 4. 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 01.01.1978 in their record and in the CNIC of the plaintiff.
- 5. Parties are left to bear their own costs.
- 6. File be consigned to the record room after its necessary completion and compilation.

Announced
25.02.2022


(Rehmat Ullah Wazir)
 Civil Judge-I,
 Camp Court, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consists of 03 (three) pages, each has been checked, corrected where necessary and signed by me.


(Rehmat Ullah Wazir)
 Civil Judge-I,
 Camp Court, Kalaya, Orakzai