

(14)

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

Civil Suit No: 199/1 of 2021  
Date of Institution: 06/12/2021  
Date of Decision: 19/02/2022

**Khamin Raza S/O Zamin Sher**

R/O Qaum Bar Muhammad Khel, Tappa Khuidad Khel, Tehsil  
Lower, District Orakzai.

(Plaintiff)

**VERSUS**

1. **Assistant Director, NADRA District Orakzai.**
2. **Government High School, Sarrobi Garhi.**
3. **Board of Intermediate & Secondary Education, Kohat.**


(Defendants)

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

**SUMMARY JUDGEMENT:**

**19.02.2022**

1. Brief facts of the case in hand are that the plaintiff, **Khamin Raza**, 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 **01.03.2007** according to his NADRA Record, while it has been wrongly mentioned as 01.02.2005 in his High School Record by the defendant No. 02 & 03, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That defendant No. 02 & 03 were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit. Defendants were summoned, in which defendant No. 01, appeared through his representative namely Syed Farhat Abbas, defendant No. 02, appeared through

  
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Clerk namely Israf Khan and defendant No. 03 is placed and proceeded ex-parte, and only defendant No. 01 submitted written statement.

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 defendant No. 01 & 02 heard and record gone through.

3. Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that his correct

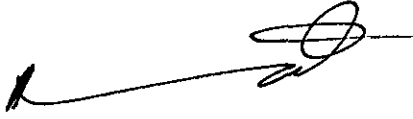
date of birth is **01.03.2007** according to NADRA Record, while it has been wrongly mentioned as 01.02.2005 in his High School Record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced the copy of his Form-B, wherein the date of birth of the plaintiff has been mentioned as **01.03.2007**. So, the Form-B of the plaintiff clearly negates the incorporation of his date of birth as 01.02.2005 in his

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High School Record. 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 document is admissible and reliance is placed on his 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.

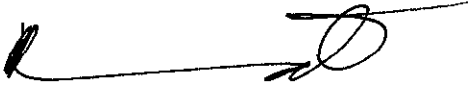
4. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendant No. 02 & 03 are directed to correct the date of birth of plaintiff as **01.03.2007** in their record and in the School Record 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**  
19.02.2022

  
(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