

18

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

Civil Suit No: 38/1 of 2021  
Date of Institution: 11/03/2021  
Date of Decision: 04/03/2022

**Asma D/O Sawab Gul**  
R/O Qaum Stori Khel, Mala Khel, Qambar Khwa, PO Tazi Khel,  
Tehsil Lower, 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:**

**04.03.2022**

1. Brief facts of the case in hand are that the plaintiff, **Asma**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that her correct name is **Aasma (آسما)** while correct date of birth is **01.01.1997** according to her Wafaq-Ul-Madaris Record, while it has been wrongly mentioned as **Asma (عاصمہ)** and date of birth as 1989 in her CNIC by the defendants, which are wrong, ineffective upon the rights of the plaintiff and liable to correction. That

REHMAT ULLAH WAZIR  
CIVIL JUDGE-I  
CAMP COURT  
KALAYA ORAKZAI

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 Syed Farhat Abbas, 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 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; Save expense and time both of courts and litigants; and Enforce compliance with provisions of this Code."

AT THE ALI WAZIR  
CAMP COURT  
KALAYA CRAKZAI

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

4. Record reveals that plaintiff through instant suit is seeking correction of her date of birth to the effect that her correct name is Asma (اسما), while correct date of birth is 01.01.1997 according to her Wafaq-Ul-Madaris Record, while it has been

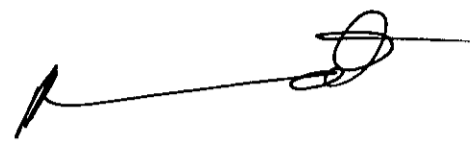
wrongly mentioned as Asma (اسما) and date of birth as 1989 in her CNIC by the defendants, which are wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention produced the copies of her Wafaq-Ul-Madaris Record, wherein the name of the plaintiff as Asma (اسما), while correct date of birth is **01.01.1997**. So, the Wafaq-Ul-Madaris Record of the plaintiff clearly negate the incorporation of her name as Asma (اسما) and correct date of birth as **01.01.1997** in her 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 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 plaintiff.

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 plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct name as **Asma (اسما)** and correct date of birth as **01.01.1997** of plaintiff in their record and in the CNIC of the plaintiff.

REHMAT ULLAH WAZIR  
CIVIL JUDGE/JM-1  
CAMP COURT  
KALAYA GRAKZA

6. Parties are left to bear their own costs.
7. File be consigned to the record room after its necessary completion and compilation.

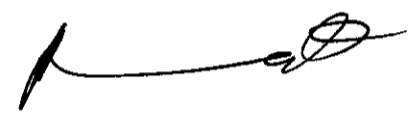
**Announced**  
04.03.2022



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

**CERTIFICATE**

Certified that this judgment consists of **04** (Four) pages, each has been checked, corrected where necessary and signed by me.



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