

(17)

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

Civil Suit No: 191/1 of 2021
Date of Institution: 09/11/2021
Date of Decision: 25/02/2022

Syed Muhammad Ali S/O Syed Muhammad Issa
R/O Qaum Ali Khel, Tappa Panjam, Talai, District Orakzai.

(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**
4. **Government Primary School, Asghari Mela, Metha Khan, District Kohat**

(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, **Syed Muhammad Ali**, 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 **04.04.2007**, according to his twins brother namely Syed Ali Shah, while it has been wrongly mentioned as **08.04.2007** in his NADRA record and School Admission & Withdrawal Register 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

REHMAT ULLAH WAZIR
C. JUDGE I
CAMP COURT
KALAYA ORAKZAI

through their representative namely Syed Farhat Abbas, who 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 defendants heard and record gone through.

Accordingly, the father of the plaintiff namely Syed Muhammad Issa, was summoned, who appeared and recorded his statement as CW-1, wherein he stated that I have another child namely Syed Jan Ali Shah, his dated of birth is 04.04.2007 as twins with the plaintiff, and there is difference of only 04 days with the plaintiff, further who produced his CNIC, birth certificate, his brother birth certificate and his brother CNIC which are exhibited as Ex. CW-1/1, Ex. CW-1/2, Ex. CW-1/3 & Ex. CW-1/4 respectively.

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

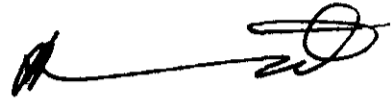
date of birth is **04.04.2007**, according to his twins brother namely Syed Ali Shah, while it has been wrongly mentioned as 08.04.2007 in his NADRA record and School Admission & Withdrawal Register by the defendants, while it has been wrongly mentioned as 08.04.2007 in his NADRA Record and Withdrawal & Admission Register 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 own birth certificate and his CNIC twin brother's birth certificate, wherein the date of birth of the plaintiff has been mentioned as **04.04.2007**. So, both the birth certificates produced by the plaintiff clearly negate the incorporation of his date of birth as 08.04.2007 in his NADRA Record and School Admission and Withdrawal Register. 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 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 04.04.2007 in their record and in the NADRA 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.

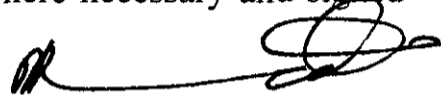
Announced
25.02.2022



(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