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IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDG, ORAKZAI AT BABER MELA

Civil Suit No. 06/1 of 2022
Date of Institution: 15/02/2022
Date of Decision: 26/04/2022

Hazrat Umar S/O Phool Badshah
R/O Qoum Rabia Khel, Village Khee Kada, Tehsil Upper, District Orakzai.
(Plaintiff)

VERSUS

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

**SUIT FOR DECLARATION, CUM PERPETUAL AND
MANDATORY INJUNCTION**

SUMMARY JUDGEMENT:
26.04.2022

1. Brief facts of the case in hand are that the plaintiff, **Hazrat Umar** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **04.01.2010** according to his school record while it has been wrongly mentioned as 04.01.2020 in his Form "B" by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit.

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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;*
 - c. *Save expense and time both of courts and litigants; and*
 - d. *Enforce compliance with provisions of this Code."*

The relevant school's record-keeper was summoned and the one Muhammad Karim appeared as CW-01 and produced Admission and Withdrawal Register, the copy of which is Ex.CW-1/1 and that according to this, the date of birth of the plaintiff is 04.01.2010.

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

4. Record reveals that plaintiff through instant suit seeking declaration therein that his correct date of birth is **04.01.2010** according to his school record while it has been wrongly mentioned as 04.01.2020 in his Form "B" 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 copy of Admission and Withdrawal Register wherein the date of birth of the plaintiff has been mentioned as **04.01.2010**, So, the Admission and Withdrawal register of school of the plaintiff clearly negate the incorporation of his date of birth as 04.01.2020 in his Form "B". Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of his stance, which establishes that the date of birth of the plaintiff has wrongly been mentioned in his Form "B" that is against the facts and circumstances. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.

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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 the date of

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birth of plaintiff as **04.01.2010** in their record and in the Form "B" of the plaintiff.

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

Announced

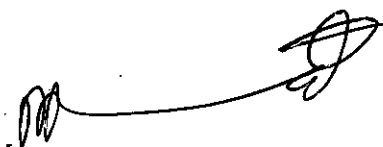
26.04.2022



(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

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



(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)