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

Civil Suit No. 28/1 of 2022  
Date of Institution: 21/05/2022  
Date of Decision: 21/06/2022

**Noor Kainat D/O Nikmat Ali**  
R/O Qoum Stori Khel, Tappa Andkhel Bala, Tehsil Lower, District Orakzai.  
(Plaintiff)


**VERSUS**

1. **Chairman BISE, Kohat**
  2. **Chairman, NADRA, Islamabad.**
  3. **Assistant Director, NADRA District Orakzai.**
- (Defendants)

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

**SUMMARY JUDGEMENT:**  
**21.06.2022**

1. Brief facts of the case in hand are that the plaintiff, **Noor Kainat** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that her correct date of birth is **14.04.2000**, while it has been wrongly mentioned as **13.03.2000** in the record of defendants. That the plaintiff and her brother namely **Shamshir Abbas** are twins. The date of birth of the twin brother of the plaintiff is **14.04.2000**, according to **NADRA** and **Board** record, which is correct. Thus, there is an unnatural gap of 01 month between the dates of birth of the plaintiff and her twin brother, which

  
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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.

2. Defendants were summoned, in whom the defendant no. 02 & 03 appeared through their representative namely Syed Farhat Abbas, who submitted written statement wherein, he raised various legal and factual objections.
3. The defendant no. 01 appeared through its legal advisor and submitted written statement but later on, was proceeded ex-parte but today, its legal advisor namely Shaheen Muhammad advocate submitted an application for setting aside ex-parte proceedings to which the counsel for the plaintiff recorded no objection on the margin of the application and thus, the same was accepted and the ex-parte proceedings initiated against the defendant no. 01 are hereby set aside.
4. 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

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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 representatives for defendants heard and record gone through.

5. Record reveals that plaintiff through instant suit seeking declaration therein her correct date of birth is **14.04.2000**, while it has been wrongly mentioned as 13.03.2000 in the record of defendants. That the plaintiff and her brother namely Shamshir Abbas are twins. The representative of the defendant no. 02 & 03 submitted Family Tree of the plaintiff wherein, the gap between the dates of birth of the plaintiff and her brother namely Shamshir Abbas is only 30 days, which is unnatural and impossible rather this Family Tree supports the claim of the plaintiff and she and her brother Shamshir Abbas are twins. Thus, there is an unnatural gap of 01 month between the dates of birth of the plaintiff and her twin brother, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Further, plaintiff in support of her contention produced the copy of her CNIC, copy of Matric DMC, copy of F.SC DMC, copy of her brother

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CNIC and DMC, wherein the date of birth of the plaintiff has been mentioned as **13.03.2000** and **date of birth of her twin brother is mentioned as 14.04.2000**, thus, there is a gap of 01 month between the dates of birth of the plaintiff and her twin brother, which is very unnatural. So, all these documents clearly negate the incorporation of her date of birth as 13.03.2000 in her CNIC, Family Tree and Board record BISE, Kohat. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of her stance. 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 **14.04.2000** in their record and in the CNIC 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**

21.06.2022

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 (Rehman Ullah Wazir)  
 Senior Civil Judge,  
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**CERTIFICATE**

Certified that this judgment of mine consists of **05** (Five) pages,  
each has been checked, corrected where necessary and signed by me.



(Rehmat Ullah Wazir)  
Senior Civil Judge,  
Orakzai (Baber Mela)  
**REHMAT ULLAH WAZIR**  
Senior Civil Judge/JM,  
Orakzai at Baber Mela