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IN THE COURT OF SHABEER AHMAD,
CIVIL JUDGE-II, TEHSIL COURT, KALAYA, ORAKZAI

Civil Suit No: 1/1 of 2022
Date of Original Institution: 07/06/2022
Date of Transfer in: 24/06/2022
Date of Decision: 20/07/2022

Musawir Ali son of Mir Afzal Khan
Residents of Qaum Bar Muhammad Khel, Tehsil Lower, District
Orakzai.

(Plaintiff)

VERSUS

1. **Government Primary School, Mandai Orakzai**
2. **District Education Officer, Orakzai at Hangu**
3. **Anwaria Public High School, Kadda Bazar Orakzai.**

(Defendants)

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

SUMMARY JUDGEMENT:
20.07.2022

1. Brief facts of the case in hand are that the plaintiff, **Musawir Ali son of Mir Afzal Khan**, 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 **15.04.2010**, while it has been wrongly mentioned as 15.04.2007 in the record of 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.

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2. Defendants were summoned, who appeared and stated that they want to produce the admission and withdrawal record of the plaintiff only and further stated that they have no objection if the case is decided summarily on the basis of available record. The statement of Niqab Ali son Hussain Ghulam (representative of Govt. Primary School Mandai) who appeared as DW-01 is recorded and produced admission form which is exhibited as Ex. DW-1/1. Similarly, Dildar Ali son of Bedar Ali (Principal Anwaria Public School) appeared as DW-02. He produced Admission and Withdrawal record Register which is exhibited as Ex. DW-2/1, School leaving certificate of the plaintiff which is Ex. DW-2/2 and Admission Form of Anwaria Public School which is exhibited as Ex. DW-2/3.
3. Mir Afzal Khan son of Ali Afzal Khan, father of the plaintiff appeared as PW-01, who recorded his statement that at the time of admission of his son he was serving in Frontier Corps KP and was at duty during admission of the plaintiff, therefore, the Primary School Administration has wrongly entered date of birth of the plaintiff as 15.04.2007 which needs correction. Further Zameen Sher son of Sher Afzal, appeared as PW-02 who supported the stance of the plaintiff. Further Khameen Raza son of Zameen Sher, appeared as PW-

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03, stated that plaintiff is 02 years younger than me and my date of birth is 01.03.2007.

4. 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. This court want to decide the instant suit summarily 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.”*

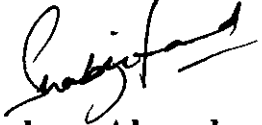
Learned counsel for plaintiff heard and record gone through.

5. 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 **15.04.2010** while it has been wrongly mentioned as 15.04.2007 in defendants record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. The admission and withdrawal register which is exhibited as DW-1/1, shows that at the time of admission father of the plaintiff was not available as the occupation of the father is written as farmer while in fact he was serving in FC KP. Therefore, due care has not been taken while entering the particulars of the student.

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6. 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 **15.04.2010** in their record.
7. Parties are left to bear their own costs.
8. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
20.07.2022


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CERTIFICATE

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


Shabeer Ahmad
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai