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IN THE COURT OF BAKHT ZADA,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 08/1 of 2024
Date of Institution: 19.02.2024
Date of Decision: 26.02.2024

**Fatima Bibi W/O Muhammad Ashraf, R/O Qoum Akhel, Tor
Kanrhai, Dalak Nawasi, Tehsil Ismail Zai, 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:

26.02.2024

- Brief facts of the case in hand are that plaintiff, **Mst. Fatima Bibi w/o Muhammad Ashraf** 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 01.01.1988 and it has been wrongly mentioned as 01.01.1992 in her record with the defendants while the date of birth of her son namely **Abdullah s/o Muhammad Ashraf** according to his matric certificate is 04.05.2006, thus, there is an unnatural gap of 14 years between the dates of birth of the plaintiff and her son,

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Senior Civil Judge/JM
Orakzai at Baber Mela

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which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to correct date of birth of the plaintiff, but they refused hence the instant suit.

2. Defendants were summoned, who appeared through their representative namely Mr. Irfan Hussain, 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."

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

4. Record reveals that plaintiff through instant suit seeking declaration therein that her correct date of birth is 01.01.1988

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and it has been wrongly mentioned as 01.01.1992 in her record with the defendants, while the date of birth of her son namely Abdullah s/o Muhammad Ashraf according to his matric certificate is 04.05.2006, thus, there is an unnatural gap of 14 years between the dates of birth of the plaintiff and her son, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention has produced the Birth Registration Certificate and Matric DMC, BISE Kohat of her son Abdullah. So, the Birth Registration Certificate and Matric DMC, BISE Kohat of the son of plaintiff clearly negate the incorporation of her date of birth. Further, there is no counter document available with the defendants to rebut the documents produced by the plaintiff in support of her stance. There is a standard operating procedure of NADRA to make such correction after obtaining biometrics of siblings/parents of the plaintiff and there is no hurdle for the defendants to complete the said procedure, otherwise too, the plaintiff through the above-mentioned record i.e Birth Registration Certificate and Matric DMC, BISE Kohat of her son has established that date of birth of the plaintiff has been wrongly mentioned in her record with the defendants that is against the facts and circumstances. The available record is sufficient to decide the


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fate of the case and no further evidence is required to be produced by the parties. The plaintiff as per record is increasing her age from date of birth 01.01.1992 to 01.01.1988 meaning thereby that there is no damage to any third person if her date of birth is corrected. Furthermore, if such correction is not made the same will make hurdles in the future carrier of her children.

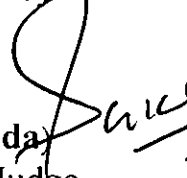
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for with no order as to cost. Defendants are directed to correct the date of birth of the plaintiff as **01.01.1988** in their record and in the CNIC of the plaintiff.
6. File be consigned to the record room after its necessary completion and compilation.

Announced
26.02.2024


(Bakht Zada)
Senior Civil Judge,
Orakzai (at Baber Mela)
26.2.24

CERTIFICATE

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


(Bakht Zada)
Senior Civil Judge,
Orakzai (at Baber Mela)
26.2.24

DECREE SHEET

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IN THE COURT OF BAKHT ZADA,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 08/1 of 2024
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Fatima Bibi W/O Muhammad Ashraf, R/O Qoum Akhel, Tor Kanrhai, Dalak Nawasi, Tehsil Ismail Zai, District Orakzai.

(Plaintiff)

VERSUS

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

(Defendants)

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

JUDGEMENT:

Brief facts of the case in hand are that the plaintiff, Fatima Bibi w/o Muhammad Ashraf 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 01.01.1988 and it has been wrongly mentioned as 01.01.1992 in her record with the defendants while the date of birth of her son namely Abdullah s/o Muhammad Ashraf according to matric record is 04.05.2006, thus, there is an unnatural gap of 14 years between the dates of birth of the plaintiff and her son, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to correct date of birth of the plaintiff but they refused, hence, the instant suit.

Order
26.02.2024

Vide my summary judgment of today, which consists of 04 pages, suit of the plaintiff is hereby **decreed as prayed for** with no order as to costs.

File be consigned to the Record room after its necessary completion and compilation.


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26.2.24

BAKHT ZADA
Senior Civil Judge JM
Orakzai at Baber Mela

Given under my hand and the seal of the Court, this day:

26.02.2024.





BAKHT ZADA
Senior Civil Judge, Orakzai

COSTS OF SUIT

Rs	-	On behalf of Plaintiff	On behalf of Defendants	Rs	-
		1. Stamp for plaint 2. Do. For power 3. Do. For exhibits 4. Pleader's fee on Rs. 5. Subsistence for witnesses 6. Commissioner's fee 7. Service of process	1. Stamp for power 2. Do for petition 3. Pleader's fee on Rs. 4. Subsistence for witnesses 5. Service of process 6. Commissioner's fee		
Total			Total		

Court Seal




BAKHT ZADA
Senior Civil Judge, Orakzai
26.2.24