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

Civil Suit No. 30/1 of 2022
Date of Institution: 26/05/2022
Date of Decision: 14/09/2022

Bibi Fatima D/O Aziz Ur Rehman
R/O Qoum Akhel, Tappa Dalak Nawasi, Tehsil Upper, District Orakzai.
(Plaintiff)

VERSUS

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

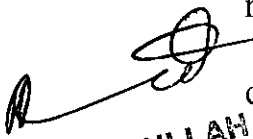
**SUIT FOR DECLARATION, CUM PERPETUAL AND
MANDATORY INJUNCTION**

SUMMARY JUDGEMENT:
14.09.2022

1. Brief facts of the case in hand are that the plaintiff, **Bibi Fatima** 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 **20.04.2003**, while it has been wrongly mentioned as 02.10.2002 in Form "B" No. 21602-0267015-0.

That the plaintiff and her brother namely Muhammad Zakriya are twins. The date of birth of the twin brother of the plaintiff is 20.04.2003. Thus, there is an unnatural gap of 06 months and 19 days between the dates of birth of the plaintiff and her twin brother, which is wrong, ineffective upon the


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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, who appeared through their representative namely Syed Farhat Abbas and submitted written statement wherein, he raised various legal and factual objections.
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

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20.04.2003, while it has been wrongly mentioned as 02.10.2002 in Form "B" No. 21602-0267015-0. That the plaintiff and her brother namely Muhammad Zakriya are twins. The date of birth of the twin brother of the plaintiff is 20.04.2003. Thus, there is an unnatural gap of 06 months and 19 days 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. Plaintiff in support of her contention produced the copy of her Form "B" and copy of Matric DMC of her brother, wherein the date of birth of the plaintiff has been mentioned as **02.10.2002 and date of birth of her twin brother is mentioned as 20.04.2003**, thus, there is a gap of 06 months and 19 days between the dates of birth of the plaintiff and her twin brother, which is very unnatural. So, these documents clearly negate the incorporation of her date of birth as 02.10.2002 in her Form "B". 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

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plaintiff as 20.04.2003 in their record and in the Form "B" 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


14.09.2022



(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)