

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

Civil Suit No. 68/1 of 2022
Date of Original Institution: 19.03.2022
Date of Transfer in: 05.07.2022
Date of Decision: 04.08.2022

Mubasher Ahmad son of Sabit Khan, resident of Qaum Feroz Khel, Tappa Qimat Khel, Shana Naka, Tehsil Lower District Orakzai. Umarzai, Central, District: Orakzai.

.....(Plaintiff)

VERSUS

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

.....(Defendants)

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

SUMMARY JUDGEMENT:
04.08.2022

1. Brief facts of the case in hand are that the plaintiff, Mubasher Ahmad has brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **06.07.2000** and correct name of the plaintiff is **Mubasher Ahmad**, according to Middle School Record while it have been wrongly mentioned the date of birth of the plaintiff as 24.06.2006 and name as Mubasher in the CNIC by the defendants, which are wrong, ineffective upon the rights of the plaintiff and liable to correction. That

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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, who submitted authority letter and 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 School Teacher of the Orakzai Model School, Saam, Feroz Khel, Orakzai, appeared and recorded his statement as CW-1, his CNIC is exhibited as Ex. CW-1/2. He produced Admission & Withdrawal Register which is exhibited as Ex. CW-1/1. According to Admission & Withdrawal Register on serial no.832, the date of birth and

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name of the plaintiff are mentioned as **06.07.2000** and **Mubasher Ahmad**.

4. Record reveals that plaintiff through instant suit is seeking correction of date of birth and name to the effect that his correct date of birth and name are **06.07.2000** and **Mubasher Ahmad** while it have been wrongly mentioned as 24.06.2006 and Mubasher in the CNIC by the defendants, which are wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced his Admission & Withdrawal Register, wherein, date of birth and name of the plaintiff are **06.07.2000** and **Mubasher Ahmad**. The said document clearly negates the incorporation of date of birth and name of the plaintiff as 24.06.2006 and Mubasher in his CNIC. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of his contention. So, the available record clearly establishes the claim of the plaintiff.
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 birth and name of plaintiff as **06.07.2000** and **Mubasher Ahmad** in their record and in the CNIC of the plaintiff.
6. Parties are left to bear their own costs.

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- 7. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
04.08.2022

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CERTIFICATE

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

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