

(11)

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

Civil Suit No. 133/1 of 2022
Date of Original Institution: 21.09.2022
Date of Decision: 28.09.2022

Intekhab Ali son of Ghulam Nabi, resident of Qaum Mani Khel, Tapa Zakarya Khel, Kalaya, Tehsil Lower District Orakzai.

.....(Plaintiff)

VERSUS

1. **Central Government through Chairman NADRA Islamabad.**
2. **Representative of NADRA for Assistant Director, NADRA District Orakzai.**

.....(Defendants)

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

SUMMARY JUDGEMENT:

28.09.2022

1. Brief facts of the case in hand are that the plaintiff **Intekhab Ali** has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **01.01.1996** while defendants have wrongly entered date of birth of the plaintiff as 1981 in their record, which 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, who appeared through their representative, who submitted authority letter and written statement.

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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 heard and record gone

through.

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Record reveals that plaintiff through instant suit is seeking correction of date of birth to the effect that correct date of birth of plaintiff is **01.01.1996** while it has been wrongly entered as 1981 in the CNIC of the plaintiff by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced the copies of CNICs of his parents namely Ghulam Nabi, bearing CNIC No. 21603-4058132-7 and Sarsia Jan bearing CNIC No. 21603-9320783-6, wherein the dates of birth of plaintiffs parents are 22.01.1978 and 27.12.1977 respectively, according to that there is a gap of 3 and 4 years between the plaintiff and his parents which is un-

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natural and against the SOP of NADRA. The said documents clearly negate the incorporation of date of birth of plaintiff as 1981 and 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 establish 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 of plaintiff as **01.01.1996** in their record and in the CNIC of the plaintiff. This decree shall not effect rights of any other person or service record etc. if any.
6. Parties are left to bear their own costs.
7. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced

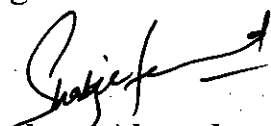
28.09.2022



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CERTIFICATE

Certified that this judgment consists of three (03) pages, each has been checked, corrected where necessary and signed.



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