

**IN THE COURT OF SAMI ULLAH,**  
**CIVIL JUDGE-I, ORAKZAI AT BABER MELA**

Civil Suit No. 39/1 of 2022  
Date of Institution: 06/09/2022  
Date of Decision: 07/10/2022

**Wakeel Badshah S/O Ghameen Gul**

Qoum Mamozai, Tappa Abdul Raheem Khel, Village Akhoon Kot, Tehsil  
Ghiljo, District Orakzai.

.....(Plaintiff)

VERSUS

1. **Chairman Nadra Islamabad.**
2. **Director Nadra District Orakzai.**

..... (Defendants)

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

**SUMMARY JUDGEMENT:**

**07.10.2022**

1. Brief facts of the case in hand are that the plaintiff, **Wakeel Badshah**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that his correct date of birth according to his old CNIC is **10.07.1981**, while upon expiry of his old CNIC he applies for the renewal of the same and there in it has been wrongly mentioned as 10.09.1981 by the defendant. 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 legal advisor namely **Irfan Hussain Assistant**

07.10.2022

Sami Ullah  
Civil Judge/JM-I  
Orakzai (Baber Mela)

Superintendent/Legal representative, 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 legal advisor for defendant 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 10.07.1981, while it has been wrongly mentioned as 10.09.1981 by the defendant in the new CNIC issued to the plaintiff after renewal of old one. The plaintiff and defendant were directed to produce their entire evidence on the date fixed. The plaintiff produced two witnesses in his favour who recorded their statements and testified that the correct date of birth of the plaintiff is 10.07.1981. PW-1

Copy  
07.10.2022  
Samir Ullah  
Civil Judge/JJ-I  
Orakzai (Babar Mela)

namely Ghameen Khan who is father of the plaintiff recorded in his statement that the date of birth of the plaintiff was correct in CNIC issued previously and even in old MNC Card but upon expiry of CNIC the plaintiff applied for the renewal of the same. There in the defendants wrongly entered date of birth of the plaintiff as 10.09.1981. Plaintiff produced another witness namely Abdul Ghafar as PW-2 who also supported the stance of the plaintiff. Representative of NADRA appeared as DW-01 and Exhibited family tree as DW1/1. He admitted the stance of the plaintiff in his cross examination. Hence, in these circumstances, the said documents are admissible and reliance is placed on it and are sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff.

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. Defendant is directed to correct the date of birth of plaintiff as **10.07.1981** in their record.
7. Parties are left to bear their own costs.
8. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
**07.10.2022**

  
**Sami Ullah**  
Civil Judge/JM-I,  
Orakzai (at Baber Mela)

**CERTIFICATE**

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

*Sami Ullah*

**Sami Ullah**  
Civil Judge/JM-I,  
Orakzai (at Baber Mela)