

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

Civil Suit No. 68/1 of 2022
Date of Original Institution: 06.06.2022
Date of Transfer in: 05.07.2022
Date of Decision: 13.08.2022

Ali Ahmad son of Naik Muhammad, resident of Qaum Bar Muhammad Khel, Tappa Khudaid Khel, Tehsil Lower, District: Orakzai.

.....(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Assistant Director, NADRA District Orakzai.**
3. **Assistant Director Local Government District Orakzai.**

.....(Defendants)

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

**SUMMARY JUDGEMENT:
13.08.2022**

1. Brief facts of the case in hand are that the plaintiff, 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 **01.01.2011**, according to School Record of Islamia Public High School Kurez District Orakzai, while defendants have wrongly entered the date of birth of plaintiff as 09.10.2015 in Birth Certificate of the plaintiff, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to correct the dates of birth of plaintiff but they refused, hence, the instant suit.

Shabeer Ahmad
Shabeer Ahmad
Civil Judge/JM-II
Orakzai at (Kalaya)

2. Defendants were summoned, who appeared through their representative, 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. The representative for the defendants no. 3 stated that he has no objection if the case is 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."

Shabeer Ahmad
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Learned counsel for plaintiff heard and record gone through.

4. 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 **01.01.2011** while it has been wrongly entered as 09.10.2015 in the Birth Certificate of the plaintiff issued by the defendant no. 3, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention annexed photocopy of Birth Certificate issued by Islamia Public High School Kurez

District Orakzai, wherein, date of birth of plaintiff is **01.01.2011**. Moreover, plaintiff is a student of Class-VI, his date of birth cannot be 09.10.2015 as it is not possible for someone to be in Class-VI and of 06 years age. Further, there is no countered document available with the defendants to rebut the document 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. Defendant no.3 is directed to correct the date of birth of plaintiff as **01.01.2011** in the record of defendant no. 3 and in the Birth Registration Certificate of the plaintiff.
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
13.08.2022


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

CERTIFICATE

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


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