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

Civil Suit No. 5/1 of 2022  
Date of Original Institution: 21/06/2022  
Date of Transfer in: 24/06/2022  
Date of Decision: 18/08/2022

**1. Shah Nawaz son of Saida Khan**  
**2. Meraj Bibi wife of Farman Ullah,** Both residents of Qaum  
Stori Khel, Tappa Mala Khel, Teshil Lower, District: Orakzai.  
.....(Plaintiffs)

**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:**  
**18.08.2022**

1. Brief facts of the case in hand are that the plaintiffs, Shah Nawaz and Meraj Bibi have brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that correct date of birth of plaintiff no. 1 is **01.02.2000**, and that of plaintiff no. 2 is **03.05.2002** while it has been wrongly mentioned as 01.01.1995 and 01.01.1996 in their CNICs by the defendants, which are wrong, ineffective upon the right of the plaintiffs and liable to correction. That date of birth of the plaintiff's mother namely Allah Jan, bearing CNIC No. 21603-9325225-0 is 01.01.1985 and dates of birth of her son

*Shabeer Ahmad*  
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and daughter (plaintiffs) are 01.01.1995 and 01.01.1996 in defendants record and according to that there is gap of 10 and 11 years between plaintiffs and their mother which is unnatural. That the name of the father of the plaintiff no. 1 is Saida Khan who died on 18.02.2000, after which mother of the plaintiff no. 1 married Ajeeb Khan on 25.05.2001. That plaintiff no. 2 Meraj Bibi is the daughter of Ajeeb Khan whose date of birth is **03.05.2002**.

2. That defendants were repeatedly asked to correct date of birth of the plaintiffs but they refused, hence, the instant suit.
3. With due process of law defendants were summoned, they did not appear therefore, placed and proceeded ex-parte. Ex-parte decree was passed against defendants but later on representative for defendants namely Syed Farhat Abbas appeared and submitted an application for setting-aside ex-parte decree which was accepted. Representative for defendants submitted authority letter and written statement.
4. 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 of NADRA recorded on objection if the case decided summarily on the basis of available record without recording lengthy evidence, as the primary aim and

*Shahid Ahmad*  
 Shahid Ahmad  
 Civil Judge, JM-II  
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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.

5. Record reveals that plaintiffs through instant suit is seeking correction of their dates of birth to the effect that their correct dates of birth are **01.02.2000** and **03.05.2002** while it has been wrongly mentioned as 01.01.1995 and 01.01.1996 in their CNICs by the defendants, which are wrong, ineffective upon the right of the plaintiffs and liable to correction.

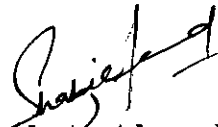
*Sanjiv*  
 State of Punjab  
 Civil Judge (Jr) - II  
 Oral 18/08/2022

Plaintiffs in support of their contention produced copy of CNIC their mother, wherein, date of birth of plaintiff's mother is 01.01.1985. That there is an un-natural gap of 10 and 11 years between the plaintiffs and their mother. The said document clearly negates the incorporation of their dates of birth as 01.01.1995 and 01.01.1996 in their CNICs. Further, Meraj Bibi wife of Farman Ullah (plaintiff no. 2) is from the second marriage of the Allah Jan (mother of the plaintiffs) which was solemnized on 25.05.2001. Therefore, her date of birth cannot be 01.01.1996. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiffs in support of their

contention. So, the available record clearly establishes the claim of the plaintiffs.

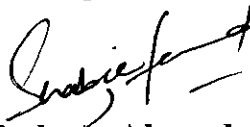
- 6. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiffs as **01.02.2000** and **03.05.2002** in their record and in the CNICs of the plaintiffs.
- 7. Parties are left to bear their own costs.
- 8. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

**Announced**  
18.08.2022

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

**CERTIFICATE**

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

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