

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

Civil Suit No. 116/1 of 2022
Date of Original Institution: 02.08.2022
Date of Decision: 25.08.2022

Bismillah Khan son of Zarwali Khan, resident of Qaum Bezot,
Tappa Qambar Khel, Satar Bezot, Tehsil Lower, 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:

25.08.2022

1. Brief facts of the case in hand are that the plaintiff Bismillah Khan, 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 **24.04.1986**, while defendants have wrongly entered the date of birth of plaintiff as 01.01.1979 in CNIC of the plaintiff, which is wrong, ineffective upon the right 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 namely Syed Farhat Abbas, who submitted authority letter and written statement.

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Orakzai (Kalaya)

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 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."


Learned counsel for plaintiff heard and record gone through.

4. Record reveals that plaintiff through instant suit are seeking correction of date of birth to the effect that correct date of birth of plaintiff is **24.04.1986** while it has been wrongly entered as 01.01.1979 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 copy of CNIC of her mother namely Safar Khela, bearing CNIC No. 21603-8279894-8, wherein the date of birth of plaintiff's mother is 1970 and according to which there is a gap of 09 years between the plaintiff and

his mother, which un-natural and against the SOP of NADRA. The said document clearly negate the incorporation of date of birth of plaintiff as 01.01.1979 in his CNIC. 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.

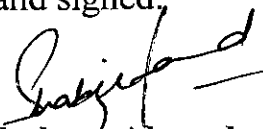
- 5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **24.04.1986** in their record and in the CNIC 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
25.08.2022


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