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

Civil Suit No. 4/1 of 2022
Date of Original Institution: 19.02.2022
Date of Transfer in: 24.06.2022
Date of Decision: 31.08.2022

Malak Shah son of Mohabat Shah, resident of Qaum Bezot,
Tappa Meer Kuli Khel, 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:

31.08.2022

1. Brief facts of the case in hand are that the plaintiff, **Malak Shah** 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 **03.04.1993**, according to Matriculation Record while it has been wrongly mentioned as 1986 in the CNIC by the defendants, 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.

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- 2. Defendants were summoned, who appeared through their representative namely Syed Farhat Abbas, 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. 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."

Shabir Ahmad
 Shabir Ahmad
 Civil Judge (Kalyan)
 Orakzai (Kalyan)

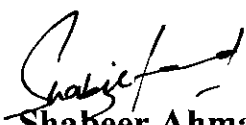
- 4. Record reveals that plaintiff through instant suit is seeking correction of date of birth to the effect that his correct date of birth is **03.04.1993** while it has been wrongly mentioned as 1986 in the CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced his Secondary School Certificate and Secondary School DMC, wherein, date of birth of the plaintiff is **03.04.1993**. The said documents clearly negate the incorporation of date of birth of

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the plaintiff as 1986 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 **03.04.1993** 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
31.08.2022


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

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 Court, Kalaya, Orakzai