

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

Civil Suit No. 35/1 of 2022
Date of Original Institution: 26.02.2022
Date of Transfer in: 29.06.2022
Date of Decision: 30.08.2022

Said Kamal son of Said Malook, resident of Qaum Aka Khel, Sher Khel, Khawangai, presently Khwa Darra, 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:
30.08.2022

1. Brief facts of the case in hand are that the plaintiff, **Said Kamal** 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 **01.01.1999**, while it has been wrongly mentioned as 01.01.1990 in the defendants record, 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.
2. Defendants were summoned, who appeared through their representative namely Syed Farhat Abbas, who submitted authority letter and written statement.

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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 heard and record gone through.

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 **01.01.1999** while it has been wrongly mentioned as 01.01.1990 in the defendants record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced his father CNIC namely Said Malook, bearing CNIC No. 21201-2575732-3, wherein, date of birth is **01.01.1979** and date of birth of plaintiff is **01.01.1990**, there is an un-natural gap of 11 years between the plaintiff and his father which is against the SOP of NADRA. The said document clearly negates the incorporation of date of birth of plaintiff as 01.01.1990 in his


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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 **01.01.1999** 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
30.08.2022


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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