

IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 79/1 of 2022
 Date of Institution: 26/07/2022
 Date of Decision: 27/10/2022

Noor Muhammad s/o Noorab Khan
 R/O Qoam Mishti, Darvi Khel, Tehsil Central, District Orakzai, presently r/o
 District Hangu.

(Plaintiff)

VERSUS

1. **Director General, NADRA, Islamabad.**
2. **Deputy Director General NADRA, KPK Peshawar.**
3. **District Registration Officer, NADRA District Orakzai.**

(Defendants)

**SUIT FOR DECLARATION, CUM PERPETUAL AND
 MANDATORY INJUNCTION**

SUMMARY JUDGEMENT:
27.10.2022

1. Brief facts of the case in hand are that the plaintiff, **Noor Muhammad** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct date of birth is **15.09.2003** according to school record, while it has been wrongly mentioned as 15.09.2019 in the his Form "B" 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 Irfan Hussain, who submitted 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;
- Save expense and time both of courts and litigants; and
- Enforce compliance with provisions of this Code."

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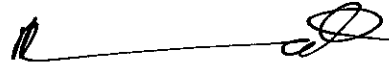
Learned counsel for plaintiff and representatives for defendants heard and record gone through.

4. Record reveals that plaintiff through instant suit seeking declaration therein that his correct date of birth is **15.09.2003** according to school record while it has been wrongly mentioned as 15.09.2019 in his Form "B" 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 Matric DMC issued by BISE Kohat, Matric Provisional Certificate, BISE Kohat and Provisional Certificate of Khyber Inter College Kohat wherein the date of birth of the plaintiff has been mentioned as **15.09.2003**, So, all these documents of school of the plaintiff clearly negate the incorporation of his date of birth as 15.09.2019 in his Form "B". Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of his stance, which establishes that the date of birth of the plaintiff has wrongly been mentioned in his Form "B" that is against the facts and circumstances. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.

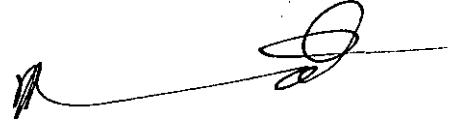
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby **decreed with costs** as prayed for. Defendants are directed to correct the date of birth of plaintiff as **15.09.2003** in his Form "B" and in their record.
6. File be consigned to the record room after its necessary completion and compilation.

Announced
27.10.2022


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

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



(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)