

**IN THE COURT OF SAMI ULLAH,**  
**CIVIL JUDGE-I, ORAKZAI AT BABER MELA**

Civil Suit No. 42/1 of 2022  
Date of Institution: 27/09/2022  
Date of Decision: 12/11/2022

- 1. **Pirbat Khan S/O Jalat Khan**
- 2. **Khial Marjana W/O Pirbat Khan**

Both resident of Qoum Akhel, Tappa Dalak Nawasi Nark, P/O  
Ghiljo, Tehsil Ismailzai, District Orakzai.

.....(Plaintiffs)

**VERSUS**

- 1. **Chairman Nadra, Islamabad**
- 2. **Assistant Director Nadra, District Orakzai**

..... (Defendants)

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

**SUMMARY JUDGEMENT:**  
**12.11.2022**

- 1. Brief facts of the case in hand are that the plaintiffs, **Pirbat Khan s/o Jalat Khan and Khial Marjana w/o Pirbat Khan**, have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that the correct date of birth of Plaintiff No.01 and Plaintiff No.02 are **1955 and 1956**, while it has been wrongly mentioned as 02.12.1963 and 01.01.1970 respectively in their CNICs by the defendants

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while the date of birth of their son and daughter namely Muhammad Shamin and Nasreen Bibi are 1976 and 1980 are according to their CNICs, thus, there is an unnatural gap in age of Muhammad Shamin (son of plaintiff No.01 and plaintiff No.02) with plaintiff No.01 i.e. 13 years and with plaintiff No.02 i.e. 06 years. Moreover, there is unnatural gap of Nasreen Bibi (daughter of plaintiff No.01 and plaintiff No.02) with plaintiff No.02 is 10 years, which is wrong, ineffective upon the rights of the plaintiffs and liable to correction. That defendants were repeatedly asked to correct the date of birth of plaintiffs but they refused, hence, the instant suit.

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-

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- 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."

4. Learned counsel for plaintiffs and representative for defendants heard and record gone through.

5. The plaintiffs produced one witness in their favour who recorded his statement and testified that the correct date of birth of the plaintiffs is 1955 and 1956. PW-1 namely Fazal Amin and as attorney for plaintiffs (his CNIC is Ex.PW 1/1 and power of attorney as Ex. PW 1/2), said in his statement that the correct date of birth of the plaintiffs is 1955 and 1956 where it has been wrongly mentioned in CNICs of plaintiffs as 02.12.1963 and 01.01.1970. Copy of CNICs of plaintiff No.01, plaintiff No.02 and their son and daughter (Muhammad Shamin and Nasreen Bibi) are Ex.PW 1/3 to Ex.PW 1/6. He further stated that the there is unnatural gap in age of plaintiffs with his son i.e. 13 and 06 years and unnatural gap in age of plaintiff No.02 with his daughter i.e. 10 years which are wrongly mentioned in Nadra record of the plaintiffs.

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6. Representative of NADRA appeared as DW-01 and Exhibited family tree as DW1/1. He admitted the stance of the plaintiffs in his cross examination. Hence, in these circumstances, the said documents are admissible and reliance is placed on it

and are sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiffs.

- Record reveals that plaintiffs through instant suit is seeking correction of their date of births to the effect that their correct date of births are **1955 and 1956**, while it has been wrongly mentioned as 02.12.1963 and 01.01.1970 in their CNICs by the defendants while the date of birth of their son and daughter namely Muhammad Shamin and Nasreen Bibi are 1976 and 1980 according to their CNICs, thus, there is an unnatural gap in age of the son namely Muhammad Shamin and a daughter namely Nasreen Bibi with their parents who are plaintiff No.01 and plaintiff No.02 in the instant suit, which are wrong, ineffective upon the rights of the plaintiffs and liable to correction. Thus, in the light of available record i.e., CNICs of the plaintiffs and their son and daughter namely (Muhammad Shamin and Nasreen Bibi), the admission made by the representative of the defendants, there is a gap of 13 and 06 years approximately between the dates of birth of the plaintiffs and his son while there is a gap of 10 years with his mother. Which is very unnatural. So, the available record clearly negates the incorporation of their date of birth as 02.12.1963 and 01.01.1970 in their CNICs.

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Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiffs in support of his stance. Hence, in these circumstances, the said documents are admissible and reliance is placed on it and is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiffs.

- 8. 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 **1955 and 1956** in their record and in the CNICs of the plaintiffs.
- 9. Parties are left to bear their own costs.
- 10. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
12.11.2022

*Sami Ullah*  
**Sami Ullah**  
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**CERTIFICATE**

Certified that this judgment of mine consists of **05** (Five) pages, each has been checked, corrected where necessary and signed by me.

*Sami Ullah*  
**Sami Ullah**  
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