

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

Civil Suit No. 41/1 of 2022  
Date of Institution: 27/09/2022  
Date of Decision: 28/11/2022

**Musawir Ali S/O Ghamin Ali**  
R/O Qoum Ali Khel, Tappa Panjam Bagh Kaly, P/O Ghiljo, Tehsil Upper, District Orakzai.

.....(Plaintiff)

**VERSUS**

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

..... (Defendants)

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

**SUMMARY JUDGEMENT:**  
**28.11.2022**

Brief facts of the case in hand are that the plaintiff, **Musawir Ali**, 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 **12.11.2010** according to his school record, while it has been wrongly mentioned as 15.04.2016 by the defendants in their record with respect to the plaintiff. 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 Mr. 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;
- c. Save expense and time both of courts and litigants; and
- d. Enforce compliance with provisions of this Code."

4. The relevant school's recordkeeper was summoned and the one Tughan Ali, PSHT, GPS, Raisan, Hangu appeared as PW-01, who produced Admission form, Child vaccination card, Admission & Withdrawal Register and school leaving certificate which are Ex.PW-1/1 to Ex.PW-1/4 and according to the aforementioned Exhibits, the correct date of birth of the plaintiff is **12.11.2010**.

5. Representative of NADRA appeared as DW-01 and Exhibited family tree and From-B are DW1/1 and DW1/2. He admitted the stance of the plaintiff in his cross examination. Hence, in

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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 plaintiff.

- 6. Learned counsel for plaintiff and legal advisor for defendants heard and record gone through.
- 7. Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that his correct date of birth is **12.11.2010** according to his school record, while it has been wrongly mentioned as 15.04.2016 by the defendants in their record with respect to the plaintiff. The plaintiff was directed to produce Admission & Withdrawal Register which he accordingly produced through the relevant Record Keeper. The entries in Admission & Withdrawal Register of the plaintiff reveals that the correct date of birth of the plaintiff is **12.11.2010**. Moreover, Admission Form, child vaccination card, Admission & withdrawal register and school leaving certificate also clearly establish the stance of plaintiff and correctly bear his date of birth as **12.11.2010**. Furthermore, there is no counter document available with the defendants to rebut the document produced by the plaintiff in support of his stance. Hence, in these circumstances, the said document is admissible and reliance is placed on it and is sufficient to decide the fate of the case and no further evidence is required

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to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff.

- 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 plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **12.11.2010** in their record.
- 9. Parties are left to bear their own costs.
- 10. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
**28.11.2022**

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**CERTIFICATE**

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

*Sami Ullah*  
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