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

Civil Suit No. 29/1 of 2022
Date of Original Institution: 06.06.2022
Date of Transfer in: 29.06.2022
Date of Decision: 31.08.2022

1. **Abd Ur Raziq son of Ali Akbar,**
2. **Mst: Mat Khela Bibi wife of Abd Ur Raziq,** both residents
of Qaum Stori Khel, Tappa Malla Khel, Jandarak, P.O Tazi Khel,
Khwa Darra, Tehsil Lower District Orakzai.
.....(Plaintiffs)

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 plaintiffs have brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct dates of birth of the plaintiff no. 1 is **01.01.1972**, and plaintiff no. 2 as **01.01.1973** while defendants have wrongly entered the dates of birth of plaintiff no. 1 as 1980 and plaintiff no. 2 as 1985 in their CNICs, which are wrong, ineffective upon the right of the plaintiffs and liable to correction. That the defendants were repeatedly asked to correct the dates of birth of plaintiffs but they refused, hence, the instant suit.

Shabeer Ahmad
Shabeer Ahmad
CJ/1/08/2022-II
Orakzai (Kalaya)

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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."*

Learned counsel for plaintiffs heard and record gone through.

4. Record reveals that plaintiffs through instant suit are seeking correction of dates of birth to the effect that correct dates of birth of plaintiff no. 1 is **01.01.1972** and plaintiff no. 2 is **01.01.1973** while it has been wrongly entered as 1980 and 1985 in their CNICs, which are wrong, ineffective upon the right of the plaintiffs and liable to correction. Plaintiffs in support of their contention produced the copy of CNIC of their son namely Muhammad Nazeer, bearing CNIC No. 21603-9881497-5,


Syed Farhat Abbas
 Syed Farhat Abbas
 Civil Judge-II
 Orakzai St. (Kalaya)

(B)

Abd Ur Raziq etc Vs NADRA

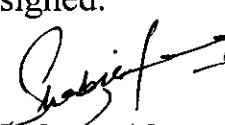
- wherein the date of birth of plaintiffs son is 1990. According to that there is a gap of 10 and 05 years between the plaintiffs and their son, which is un-natural and against the SOP of NADRA. The said document clearly negate the incorporation of dates of birth of plaintiff no. 1 as 1980 and plaintiff no. 2 as 1985 in their CNICs. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiffs in support of their contention. So, the available record clearly establishes the claim of the plaintiffs.
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 plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct the dates of birth of plaintiff no. 1 as **01.01.1972** and plaintiff no. 2 as **01.01.1973** in their record and in the CNICs of the plaintiffs.
 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 **03** (three) pages, each has been checked, corrected where necessary and signed.


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