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

Civil Suit No. 123/1 of 2022
Date of Original Institution: 16.08.2022
Date of Decision: 09.09.2022

1. **Wahid Ali son of Inayat Ali**
2. **Mst: Manzera Jan wife of Inayat Ali**, both residents of
Qaum Bar Muhammad Khel, Tapa Abdul Aziz Khel, village
Merazai, Tehsil Lower District Orakzai.
.....(Plaintiffs)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Assistant Director, NADRA District Orakzai.**
.....(Defendants)

**SUIT FOR DECLARATION, PERMANENT AND MANDATORY
INJUNCTION**

SUMMARY JUDGEMENT:
09.09.2022

1. Brief facts of the case in hand are that the plaintiff has 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 **03.02.1993** and plaintiff no. 2 is **1974** while defendants have wrongly entered as 03.02.1992 and 1980 in their record, 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.

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2. Defendants were summoned, who appeared through their representative, 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 date of birth of plaintiff no. 1 is **03.02.1993** and plaintiff no. 2 is **1974** while it have been wrongly entered as 03.02.1992 and 1980 in the CNICs of the plaintiffs by the defendants, which are wrong, ineffective upon the right of the plaintiffs and

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liable to correction. Plaintiff no.1 in support of his contention produced the copy of CNIC of his sister namely Nasra Naz, wherein the date of birth of his sister is 09.03.1992. According to that there is a gap of 01 month between the plaintiff no.1 and his sister, which is un-natural and against the SOP of NADRA.

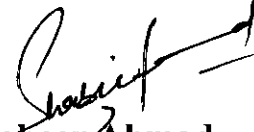
Plaintiff no.2 in support of her contention produced the copies of CNICs of her son (plaintiff no.1) and daughter namely Nasra Naz, wherein the dates of birth of plaintiff no.2 son is 03.02.1992 and her daughter is 09.03.1992. According to that there is a gap of 12 years between the plaintiff no. 2 and her children, which are un-natural and against the SOP of NADRA. The said documents clearly negate the incorporation of dates of birth of plaintiff no. 1 as 03.02.1992 and plaintiff no. 2 as 1980 in their CNICs. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiffs in support of their contention. So, the available record clearly establish the claim of the plaintiffs.

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- 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 **03.02.1993** and plaintiff no. 2 as **1974** 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
09.09.2022



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CERTIFICATE

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



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