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

Civil Suit No. 96/1 of 2022  
Date of Institution: 20/10/2022  
Date of Decision: 30/11/2022

**Niazbat Shah S/O Gul Shah**

R/O, Karapay Kalay, PO Ghiljo, Tehsil Upper, District Orakzai.

(Plaintiff)

**VERSUS**

1. **Incharge NADRA, District Orakzai.**
2. **Chairman NADRA, Islamabad**

(Defendants)

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

**SUMMARY JUDGEMENT:**

**30.11.2022**

1. Brief facts of the case in hand are that the plaintiff, **Niazbat Shah**, 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 **1956** according to his MNIC No. 147-90-067978, while it has been wrongly mentioned as 1975 in computerized CNIC by the defendants while the date of birth of his son namely Niazmin Badshah is mentioned as **1979** in his CNIC, which is correct, thus, there is an unnatural gap of 04 years between the dates of birth of the plaintiff and his son, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the

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defendants were repeatedly asked to correct the date of birth of plaintiff 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-*

- 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*
- Enforce compliance with provisions of this Code."*

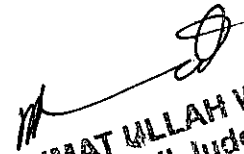
Learned counsel for plaintiff and representative for defendants heard and record gone through.

4. 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 1956 according to his MNIC No. 147-90-067978 , while it has been wrongly mentioned as 1975 in his

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computerized CNIC by the defendants while the date of birth of his son namely Niazmin Badshah is mentioned as 1979 in his CNIC, which is correct, thus, there is an unnatural gap of 04 years between the dates of birth of the plaintiff and his son, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. The representative of the defendants was directed to produce the Family Tree of the plaintiff and his son, which he accordingly produced. The Family Tree reveals that the date of birth of the plaintiff is 1975 while that of his son is 1979, thus there is a gap of 04 years between the dates of birth of the plaintiff and his son, which is very unnatural. So, the Family Tree of the plaintiff clearly negates the incorporation of his date of birth as 1975 in his CNIC. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff 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 plaintiff.

5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A

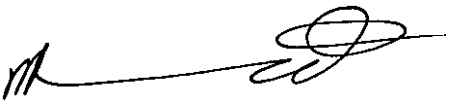
  
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of CPC, suit of the plaintiff succeeds and is **hereby decreed** as **prayed for with costs**. Defendants are directed to correct the date of birth of plaintiff as **1956** in their record and in the CNIC of the plaintiff.


6. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
**30.11.2022**

  
**(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)