

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

Civil Suit No. 105/1 of 2022
Date of Original Institution: 26.07.2022
Date of Decision: 13.09.2022

Hassan Gul son of Kabal Khan resident of Qaum Malak Din
Khel, presently Satar Bezot, Tehsil Lower District Orakzai.

.....(Plaintiff)

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:

13.09.2022

1. Brief facts of the case in hand are that the plaintiff **Hassan Gul son of Kabal Khan** has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **01.01.1978** while defendants have wrongly entered as 01.01.1967 in their record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the 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, who submitted authority letter and written statement.

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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."

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 Shabeed Ahmad
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 Orakzai (Kalaya)

Learned counsel for plaintiff heard and record gone through.

4. Record reveals that plaintiff through instant suit is seeking correction of date of birth to the effect that correct date of birth of plaintiff is **01.01.1978** while it has been wrongly entered as 01.01.1967 in the CNIC of the plaintiff by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced the copy of CNIC of his mother namely Khial Gula wife of Kabal Khan, bearing CNIC No. 21201-4946417-6, wherein the date of birth of plaintiff's mother is 01.01.1955, according to that there is a gap of 12 years

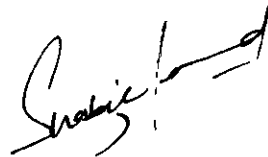
Hassan Gul Vs NADRA

between the plaintiff and his mother which is un-natural and against the SOP of NADRA. The said document clearly negate the incorporation of date of birth of plaintiff as 01.01.1967 in the CNIC. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of his contention. 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 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 **01.01.1978** in their record and in the CNIC of the plaintiff.
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

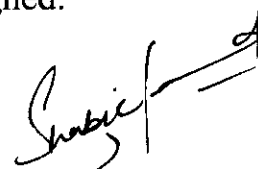
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CERTIFICATE

Certified that this judgment consists of three (03) pages, each has been checked, corrected where necessary and signed.



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

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Parties present.

Vide my summary judgment consists of three (03) pages, each page has been checked and signed where necessary, suit of the plaintiff is hereby decreed as prayed for.

Suit is disposed of under the Amended Rule of CPC.

Defendants are directed to correct date of birth of the plaintiff as **01.01.1978** in their record and in the CNIC of the plaintiff.

File be consigned to the District Record Room, Orakzai, after its necessary completion and compilation.

Announced
13.09.2022



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