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

Civil Suit No. 61/1 of 2022
Date of Original Institution: 21.06.2022
Date of Transfer In: 27.07.2022
Date of Decision: 16.09.2022

Shahzad Ali s/o Jafar Khan

R/O Qoum Bar Muhammad Khel, Tappa Khwidad Khel, Tehsil Lower, District Orakzai. (Plaintiff)

VERSUS

Board of Intermediate and Secondary Education, Peshawar


(Defendant)

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

SUMMARY JUDGEMENT:


16.09.2022

1. Brief facts of the case in hand are that the plaintiff, **Shahzad Ali**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendant, referred herein above, seeking declaration therein that his correct date of birth is **02.04.1984** according to Provisional Certificate and Service Sheet Roll, FC while it has been wrongly mentioned as 02.04.1982 by the defendant in its record with respect to the plaintiff, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendant was repeatedly asked to correct the date of birth of plaintiff but he refused, hence, the instant suit.


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2. Defendant was summoned, who appeared through their legal advisor namely Abdul Qayum advocate, 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."


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Learned counsel for plaintiff and legal advisor for defendant heard and record gone through.

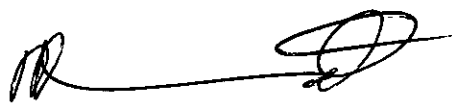
4. Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that his correct date of birth is **02.04.1984** according to Provisional Certificate and Service Sheet Roll, FC while it has been wrongly mentioned as 02.04.1982 by the defendant in its record with respect to the plaintiff, which is wrong,

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ineffective upon the rights of the plaintiff and liable to correction. The plaintiff was directed to produce original DMC and Provisional Certificate of BISE Peshawar, which he accordingly. The DMC and Provisional Certificate of BISE Peshawar of the plaintiff clearly negate the incorporation of the date of birth of the plaintiff as 02.04.1982. Further, there is no countered document available with the defendant 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 of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendant is directed to correct the date of birth of plaintiff as **02.04.1984** in its record.
6. Parties are left to bear their own costs.
7. File be consigned to the record room after its necessary completion and compilation.

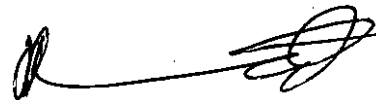
Announced
16.09.2022


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)

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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.



(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)