

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

Civil Suit No. 86/1 of 2022
Date of Original Institution: 19.03.2022
Date of Transfer in: 07.07.2022
Date of Decision: 21.09.2022

Wajid Ali son of Niaz Ali, resident of Qaum Bezot, Tapa Yar
Kulli Khel, 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:

21.09.2022

1. Brief facts of the case in hand are that the plaintiff, **Wajid Ali** has brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **01.01.2000**, according to Middle Class Certificate while it has been wrongly mentioned as 01.01.1991 in the CNIC by the defendants, 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.

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2. With due process of law defendants were summoned, they did not appear, therefore, placed and proceeded ex-parte. Ex-parte decree was passed against defendants but later on, representative for defendants appeared and submitted an application for setting-aside ex-parte decree which was accepted. Representative for defendants 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."

Muhammad Zahid son of Meer Shah Khan, the School Teacher of the Orakzai Model School, Saam, Feroz Khel, Orakzai, appeared and recorded his statement as CW-1. He produced Admission & Withdrawal Register and School

Leaving Certificate which is exhibited as Ex. CW-1/1 & Ex. CW-1/2. According to Admission & Withdrawal Register on serial no.730, the date of birth of the plaintiff is mentioned as **01.01.2000**.

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 his correct date of birth is **01.01.2000** while it has been wrongly mentioned as 01.01.1991 in the CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced his

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Middle Class School Leaving Certificate and Admission & Withdrawal Register, wherein, date of birth of the plaintiff is **01.01.2000**. The said documents clearly negate the incorporation of date of birth of the plaintiff as 01.01.1991 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 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 **01.01.2000** in their record and in the

CNIC of the plaintiff. This decree shall not affect the rights of other person and servicer record if any.

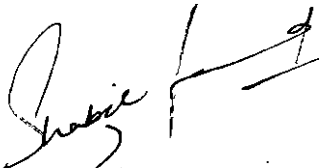
6. Parties are left to bear their own costs.
7. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
21.09.2022


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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