

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

Civil Suit No. 83/1 of 2022
Date of Original Institution: 17.02.2022
Date of Transfer in: 01.07.2022
Date of Decision: 04.10.2022

Nida Begum daughter of Ghufraan Ali, resident of Qaum Mani Khel, Tapa Mast Ali Khel, Hussaini Abad, Satar Saam, Tehsil Lower Orakzai.

.....(Plaintiff)

VERSUS

Assistant Director, NADRA District Orakzai.

.....(Defendants)

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

SUMMARY JUDGEMENT:

04.10.2022

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 defendant, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **10.10.2004**, according to 9th Class DMC and Middle School Leaving Certificate, while defendant has wrongly entered the date of birth of plaintiff as 01.10.1997 in the CNIC of 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 they refused, hence, the instant suit.
2. With due process of law defendant was summoned, they did not appear, therefore, placed and proceeded ex-parte. Ex-

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parte decree was passed against defendant but later on, representative for defendant appeared and submitted an application for setting-aside ex-parte decree which was accepted vide order dated 03.10.2020. Representative for defendant 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

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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 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 her correct date of birth is **10.10.2004** while it has been wrongly entered as 01.10.1997 in the CNIC of the plaintiff by defendant, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention

annexed photocopies of Middle School Leaving Certificate and 9th Class DMC, wherein, date of birth of plaintiff is mentioned as **10.10.2004**. The said documents clearly negate the incorporation of her date of birth as 01.10.1997 in her CNIC. Further, there is no countered document available with the defendant to rebut the documents produced by the plaintiff in support of her contention. So, the available record clearly establishes the claim of the plaintiff.

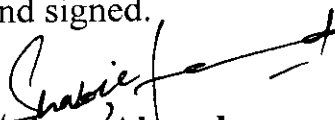
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendant is directed to correct the date of birth of plaintiff as **10.10.2004** in their record and in the CNIC of the plaintiff. This decree shall not affect right of other person or service record etc. 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
04.10.2022


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CERTIFICATE

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


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Tehsil Court, Kalaya, Orakzai