

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

Civil Suit No. 8/1 of 2022
Date of Original Institution: 18.02.2022
Date of Transfer in: 24.06.2022
Date of Decision: 05.10.2022

Saida Bibi wife of Bahadur Khan, resident of Qaum Utman Khel, Tapa Fatha Khan Khel, Momin Kallay, District Orakzai.

.....(Plaintiff)

VERSUS

1. **Chairman NADRA, Islamabad, Pakistan.**
2. **Director General NADRA, KPK, Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

.....(Defendants)

SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTION

SUMMARY JUDGEMENT:

05.10.2022

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 defendants, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is 01.01.1985, while defendants have wrongly entered the date of birth of plaintiff as 01.01.1988 in the CNIC of plaintiff, 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. 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

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application for setting-aside ex-parte decree which was accepted vide order dated 27.09.2022. 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."

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 01.01.1985 while it has been wrongly entered as 01.01.1988 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 photo copies of Nikahnama wherein nikah was solemnized on 14.08.2001 and Computerized National Card Form of her son namely Muhammad Asim, wherein, date of

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birth of her son is **01.01.2003**. Since according to CNIC date of birth of plaintiff is **01.01.1988**, there is a gap of 15 years between the plaintiff and her son which is unnatural and against the SOP of NADRA. The said document clearly negate the incorporation of date of birth of plaintiff as 01.10.1988 in her CNIC. However, as per the FRC submitted by representative of the defendant if the date of birth of the plaintiff is corrected as 01.01.1985 there will come an un-natural gap between the plaintiff and her mother. Therefore,

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to avoid the un-natural gap between the plaintiff, her siblings, parents and her children the best suitable date of birth of plaintiff can be that of **01.01.1986**.

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 to the extent that the date of birth of the plaintiff be corrected as **01.01.1986**. Defendants are directed to correct the date of birth of plaintiff as **01.01.1986** 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
05.10.2022

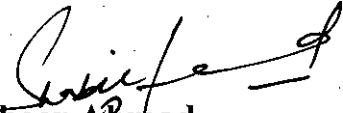
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Mst: Saida Bibi Vs NADRA

CERTIFICATE

Certified that this judgment consists of three (04) pages, each has been checked, corrected where necessary and signed.



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