

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

Civil Suit No. 152/1 of 2022
Date of Original Institution: 03.11.2022
Date of Decision: 22.11.2022

Mst: Yaseen Bibi wife of Musafir Khan, resident of Qaum Feroz Khel, Tapa Ghairat Khel, Zaina Khel, PO Feroz Khel, Tehsil Lower District Orakzai.
.....(Plaintiff)

VERSUS

Assistant Director, NADRA District Orakzai.
.....(Defendant)

SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTION

**SUMMARY JUDGEMENT:
22.11.2022**

- 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 plaintiff is **01.01.1985**, while it has been wrongly entered as 01.01.1990 in the defendant record, 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.
- Defendant was summoned, who appeared through his representative, who submitted authority letter and written statement.

Shabeer Ahmad
Shabeer Ahmad
Civil Judge-II
Orakzai (Kalaya)

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 both the parties that why not the case 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 the 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 01.01.1990 in the defendant record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention produced photocopy of CNIC of her son namely Muhammad Zahid, bearing CNIC No. 21603-1823580-7, wherein, date of birth of her son is 15.03.2002 and date of birth of plaintiff is 01.01.1990, according to that there is a gap of 12 years, between the plaintiff and her son, which is un-natural and

against the SOP of NADRA. The said document clearly negates the incorporation of date of birth of plaintiff as 01.01.1990 in her CNIC. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of her contention. So, the available record clearly establishes the claim of the plaintiff.

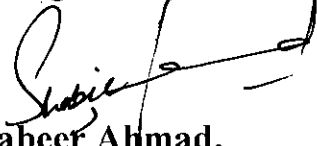
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendant is directed to correct the date of birth of plaintiff as **01.01.1985** in his record and in the CNIC of the plaintiff. This decree shall not effect the rights of others or service 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
22.11.2022


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

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