

(11)

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

Civil Suit No. 161/1 of 2022
Date of Original Institution: 17.11.2022
Date of Decision: 22.11.2022

Bakht Nabi son of Gul Nabi, resident of Qaum Mani Khel, Tapa Sabzi Khel, PO Kalaya, District Orakzai.

.....(Plaintiff)

VERSUS

Assistant Director, NADRA District Orakzai.

.....(Defendant)

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

SUMMARY JUDGEMENT:

22.11.2022

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 plaintiff i.e Bakht Nabi son of Gul Nabi is **01.01.1977**, while it has been wrongly entered as 01.01.1968 and correct mother name is **Hamsera Jan** while defendants have wrongly entered the same as Muneera Jan in his 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 and mother name of plaintiff but they refused, hence, the instant suit.

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2. Defendant was summoned, who appeared through his representative, who 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. Representative for defendant stated that he has no objection if the case is 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 Bakht Nabi son of Gul Nabi through instant suit is seeking correction of date of birth to the effect that his correct date of birth is **01.01.1977** while it has been wrongly entered as 01.01.1968 and correct mother name is **Hamsra Jan** while defendant has wrongly entered the same as Muncera Jan in his record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced

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photocopy of CNIC of his mother namely Hamsera Jan, bearing CNIC No. 21603-8907667-6, wherein, date of birth of his mother is 01.05.1959 and date of birth of plaintiff is 01.01.1968, according to that there is a gap of 09 years, between the plaintiff and his mother, which is un-natural and against the SOP of NADRA. The said document clearly negates the incorporation of date of birth of plaintiff as 01.01.1968 in his CNIC. Further, representative for NADRA submitted CNIC detail processing form and Family Tree of the plaintiff and his mother which are placed on file. The said documents also establishes claim of the plaintiff. The family tree of mother of the plaintiff also shows that the correct name of the mother as **Hamsera Jan**. Further there is no countered document available with the defendant to rebut the documents produced by the plaintiff in support of his contention. So, the available record clearly establishes the claim of the plaintiff.

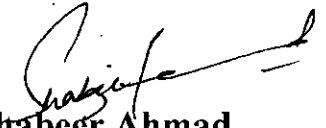
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5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendant is directed to correct the date of birth of plaintiff i.e Bakht Nabi son of Gul Nabi as **01.01.1977** and correct mother name as **Hamsera Jan** in his record and in the CNIC of the plaintiff. This decree shall not effect the rights of others or service record if any.

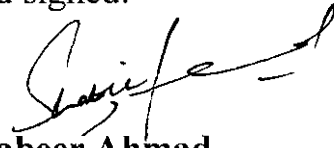
- 6. Parties are left to bear their own costs.
- 7. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
22.11.2022


Shabeer Ahmad,
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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