

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

Civil Suit No. 163/1 of 2022
Date of Original Institution: 22.11.2022
Date of Decision: 30.11.2022

Haider Abbas son of Qabil Hussain, resident of Qaum Mani Khel, Tapa Saboora Khel, Tehsil Lower District Orakzai.
.....(Plaintiff)

VERSUS

1. Chairman NADRA, Islamabad,
2. Director General NADRA, KPK, Peshawar and
3. Assistant Director, NADRA District Orakzai
.....(Defendants)

SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTION

SUMMARY JUDGEMENT:
30.11.2022

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 is **05.03.2010**, while defendants have wrongly entered as 01.01.2005 in their 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.
2. Defendants were summoned, who appeared through their representative, who submitted authority letter and written statement.

Shabeer Ahmad
Shabeer Ahmad
Civil Judge/II-II
030/11/2022 (Kalaya)

3. Record Keeper of concerned School was summoned and examined as CW-01. He produced Admission & Withdrawal Register (original seen and returned) which is Ex. CW-1/1, wherein date of birth of plaintiff is mentioned as **05.03.2010**.

4. 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."

Shahidul Alam
 Shahidul Alam
 Civil Judge/JM-II
 03/11/2022
 (Malaya)

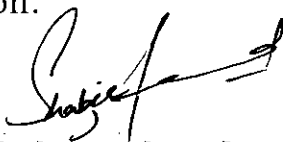
Learned counsel for the plaintiff heard and record gone through.

5. Record reveals that plaintiff through instant suit is seeking correction of date of birth to the effect that his correct date of birth is **05.03.2010** while it has been wrongly entered as 01.01.2005 in the defendants record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced photocopies of his School Leaving Certificate and Admission & Withdrawal Register, wherein date of birth of plaintiff is

mentioned as **05.03.2010**. The said documents clearly negate the incorporation of date of birth of plaintiff as 01.01.2005 in his Form-B. 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.

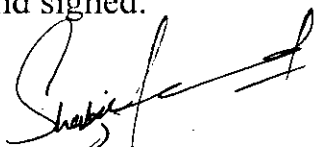
6. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **05.03.2010** in their record and in the Form-B of the plaintiff. This decree shall not effect the rights of others or service record if any.
7. Parties are left to bear their own costs.
8. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
30.11.2022


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