

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

Civil Suit No. 157/1 of 2022
Date of Original Institution: 12.11.2022
Date of Decision: 30.11.2022

Ambra Khan son of Saleem Khan, resident of Qaum Mishti,
Tapa Haider Khel, Dewar, 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 **01.01.1990**, while it has been wrongly entered as 1983 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.
2. Defendants were summoned, who appeared through their representative, who submitted authority letter and written statement.

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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 his correct date of birth is **01.01.1990** while it has been wrongly entered as 1983 in the defendant record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced photocopies of CNICs of his parents, bearing CNICs No. 21602-0929724-5 and 21601-9794784-8, wherein, dates of birth of father is 01.01.1968 and that of mother is 01.01.1970 and date of birth of plaintiff is 1983, according to that there is a gap of 15 and 13 years, between the plaintiff and his parents, which is un-natural and

Shahid
 Sr. Advocate
 CIVIL
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against the SOP of NADRA. The said documents clearly negate the incorporation of date of birth of plaintiff as 1983 in his CNIC. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of his contention. So, the available record clearly establishes the claim of the plaintiff.

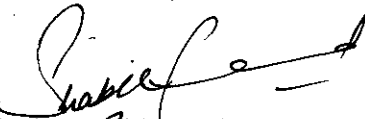
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **01.01.1990** in their record and in 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
30.11.2022


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