

IN THE COURT OF SAMI ULLAH,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA

Civil Suit No. 9/1 of 2022
 Date of Institution: 17/03/2022
 Date of Decision: 20/9/2022

Wajid Ullah S/O Muhammad Yousaf
 R/O Qoum Sada Khel, Tappa Saliman Khel, P/O Ghiljo, Tehsil Ismailzai, District
 Orakzai.

.....(Plaintiff)

VERSUS

Board of Intermediate and Secondary Education, Kohat through Chairman.

..... (Defendant)

**SUIT FOR DECLARATION CUM PERPETUAL AND
 MANDATORY INJUNCTION**

SUMMARY JUDGEMENT:
20.09.2022

Brief facts of the case in hand are that the plaintiff, **Wajid Ullah**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that his correct date of birth is **04.10.2004** according to the Admission and Withdrawal Register of the school concerned, while it has been wrongly mentioned as 24.06.1999 by the defendant in their record with respect to the plaintiff. That the defendant was repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit.

Wajid Ullah
 20.09.2022
 Sami Ullah
 Civil Judge/JM-I
 Orakzai at Baber Mela

2. Defendant was summoned, who appeared through their legal advisor namely Shaheen Muhammad advocate, who submitted 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."

The relevant school's recordkeeper was summoned and the one Muhammad Rafiq, PSHT, GPS, Babar Mela, Hangu appeared as CW-01, who produced Admission and Withdrawal Register and Copy of withdrawal Register is Ex.PW-1/1 and his CNIC, which is Ex.PW-1/2 and that according to Ex.PW-1/1, the date of birth of the plaintiff is 04.10.2004.

Ullah 20.09.2022
 Sami Ullah
 Civil Judge/JM-I
 Orakzai (Babar Mela)


4. Learned counsel for plaintiff and legal advisor for defendant heard and record gone through.
5. Record reveals that plaintiff through instant suit is seeking correction of his date of birth to the effect that his correct date of birth is **04.10.2004**, while it has been wrongly mentioned as 24.06.1999 by the defendant in their record with respect to the plaintiff. The plaintiff was directed to produce Admission & Withdrawal Register which he accordingly produced through the relevant Record Keeper. The entries in Admission & Withdrawal Register of the plaintiff reveals that the date of birth of the plaintiff is 04.10.2004. Further, the date of birth of plaintiff's father according to NADRA record is 1985 and according to the DMC issued to the plaintiff by Board of Intermediate and secondary education Kohat, the date of birth of plaintiff 24.06.1999 which creates un-natural gap between the age of the plaintiff with his father. Furthermore, there is no counter document available with the defendant to rebut the document produced by the plaintiff in support of his stance. Hence, in these circumstances, the said document is admissible and reliance is placed on it and is sufficient to decide the fate of the case and no further evidence is required to be produced

Sami Ullah
 20.09.2022
 Sami Ullah
 Civil Judge/JM-I
 Orakzai (Babar Mela)

by the parties. 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. Defendant is directed to correct the date of birth of plaintiff as **04.10.2004** in their record.
7. Parties are left to bear their own costs.
8. File be consigned to the record room after its necessary completion and compilation.

Announced
20.09.2022


Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela)

CERTIFICATE

Certified that this judgment of mine consists of **04** (Four) pages, each has been checked, corrected where necessary and signed by me.


Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela)