

14

Bakhas Bibi Vs NADRA

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

Civil Suit No. 6/1 of 2022
Date of Original Institution: 14/06/2022
Date of Transfer in: 24/06/2022
Date of Decision: 27/07/2022

Bakhas Bibi wife of Niaz Bat Khan

R/O Qaum Mishti, Tappa Haider Khel, Sanghrra, Tehsil Central,
District: Orakzai.

(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

(Defendants)

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

SUMMARY JUDGEMENT:
27.07.2022

1. Brief facts of the case in hand are that the plaintiff, **Bakhas Bibi**, through attorney has brought the instant suit for declaration, permanent and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that her correct date of birth is **06.06.1976** while it has been wrongly mentioned as 04.02.1984 in her CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That date of birth of the plaintiff is 04.02.1984 and dates of birth of her sons are 01.01.1994 and 01.01.1995 in defendants record. That there is un-natural gap of 10 and 11 years between plaintiff and her

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

sons. That the same is causing difficulties for the plaintiff as the defendants are not issuing her the CNIC. That the defendants were 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 namely Syed Farhat Abbas, 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."

Learned counsel for plaintiff heard and record gone through.

4. Record reveals that plaintiff through instant suit is seeking correction of her date of birth to the effect that her correct date of birth is **06.06.1976** while it has been wrongly

Shabeer Farhat
 Civil Judge (M-II)
 Orakzai (N.W.F.P.)

mentioned as 04.02.1984 in her CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention produced CNICs copies of her sons, wherein, date of birth of first son namely Muhammad Shahid bearing CNIC # 21601-8084072-5 and second son namely Muhammad Sadeeq bearing CNIC # 21601-0823872-7 are 01.01.1994 and 01.01.1995 respectively. There is an un-natural gap of 10 and 11 years between the plaintiff and her sons. The said documents clearly negate the incorporation of her date of birth as 04.02.1984 in her CNIC. Further, there is no countered document available with the defendants to rebut the documents 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. Defendants are directed to correct the date of birth of plaintiff as **06.06.1976** in their record and in the CNIC of the plaintiff.
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
27.07.2022

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