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Muhammad Khan Vs NADRA

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

Civil Suit No. 64/1 of 2022  
Date of Original Institution: 02.07.2022  
Date of Transfer in: 15.07.2022  
Date of Decision: 04.08.2022

**Muhammad Khan son Nasrullah Khan**, resident of Qaum Shiekhan, Tappa Umarzai, Central, District: Orakzai.

.....(Plaintiffs)

**VERSUS**

1. **Chairman, NADRA, Islamabad.**
2. **Assistant Director, NADRA District Orakzai.**

.....(Defendants)

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

**SUMMARY JUDGEMENT:**  
**04.08.2022**

1. Brief facts of the case in hand are that the plaintiff, **Muhammad Khan son of Nasrullah Khan** 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 mother of the plaintiff is **01.01.1972**, while it has been wrongly mentioned as 01.01.1980 in the defendants record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That date of birth of the plaintiff is 20.04.1992. That there is un-natural gap of 12 years between plaintiff and his mother. That the same is causing difficulties for the plaintiff. That the defendants were repeatedly asked to

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

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 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. The representative for defendants 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-

*Shahzad Ahmad*  
 Shahzad Ahmad  
 Civil Judge (JM-II)  
 Orakzai (Kalaya)

- 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."

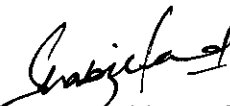
Learned counsel for plaintiff heard and record gone through.

4. Record reveals that plaintiff through instant suit is seeking correction of date of birth to the effect that his mother correct date of birth is **01.01.1972** while it has been wrongly mentioned as 01.01.1980 in the defendants record, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention annexed his mother CNIC and his own CNIC, wherein, date of birth of

mother of the plaintiff is **01.01.1980** and date of birth of plaintiff is **20.04.1992**. There is an un-natural gap of 12 years between the plaintiff and his mother. The said document clearly negates the incorporation of date of birth of plaintiff's mother as 01.01.1980 in her CNIC. 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.


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's mother as **01.01.1972** in their record and in the CNIC of the plaintiff's mother.
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**  
**04.08.2022**

  
**Shabeer Ahmad,**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai

**CERTIFICATE**

Certified that this judgment consists of **03** (three) pages, each has been checked, corrected where necessary and signed.

  
**Shabeer Ahmad,**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai