

(11)

Nazir Jan Bibi Vs NADRA

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

Civil Suit No. 106/1 of 2022
Date of Original Institution: 27.07.2022
Date of Decision: 30.08.2022

Nazeer Jan Bibi wife of Abdur Rasheed, Resident of Qaum Mishti, Tappa Mamizai, Meer Gharra, P.O Mishti Mela, 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:

30.08.2022

1. Brief facts of the case in hand are that the plaintiff **Nazir Jan Bibi**, through attorney has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that her correct date of birth is **01.01.1980** while it has been wrongly mentioned as 01.01.1990 in her CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to correct the date of birth of the 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.

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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."

Shabeer Ahmad
30/01/2018
Orakzai (Kalaya)

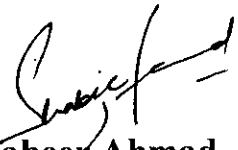
Learned counsel for plaintiff heard and record gone through.

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 01.01.1980 while it has been wrongly mentioned as 01.01.1990 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 copy of Form-B of her children, wherein, the dates of birth of her elder child namely Ameen Ullah is 05.05.1999, second child namely Abid Ullah is 01.07.2000 and daughter namely Mantajira is 02.03.2005, according to which there is an unnatural gap of 09, 10 and 15 years which is against the SOP of NADRA. The said document clearly negates the

incorporation of her date of birth as 01.01.1990 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.

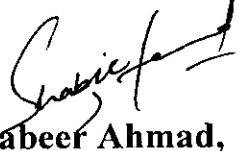
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of the plaintiff as **01.01.1980** in their record and 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
30.08.2022


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