

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

Civil Suit No. 19/1 of 2022
Date of Original Institution: 25.03.2022
Date of Transfer in: 28.06.2022
Date of Decision: 21.09.2022

Karim Shah son of Maidan Shah, resident of Qaum Mishti,
Tapa Haider Khel, Sangra Bazar, 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:
21.09.2022**

1. Brief facts of the case in hand are that the plaintiff **Karim Shah**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **01.01.1975**, while defendants have wrongly entered the date of birth of plaintiff as 1972 in CNIC of the plaintiff, 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 plaintiff but they refused, hence, the instant suit.
2. With due process of law defendants were summoned, they did not appear, therefore, placed and proceeded ex-parte. Ex-parte decree was passed against defendants but later on,

Shabeer Ahmad
Shabeer Ahmad
Civil Judge/JM-II
Orakzai
21/09/2022

representative for defendants appeared and submitted an application for setting-aside ex-parte decree which was accepted. Representative for defendants 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 the 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-

- 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 correct date of birth of plaintiff is 01.01.1975 while it has been wrongly entered as 1972 in the CNIC of the plaintiff by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced the copy of CNIC of his father namely Maidan Shah, bearing CNIC No. 21601-3482016-9, wherein the date of birth of plaintiff's father is 01.01.1957 and

Shabeer Ahmad
 Shabeer Ahmad
 Sijil Judge JM-II
 21/09/2022
 Orakzai (Malaya)

according to which there is a gap of 15 years between the plaintiff and his father, which is un-natural and against the SOP of NADRA. The said document clearly negate the incorporation of date of birth of plaintiff as 1972 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.

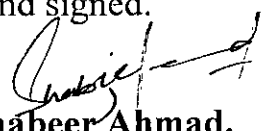
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **01.01.1975** in their record and in the CNIC of the plaintiff. This decree shall not effect rights of any other person 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
21.09.2022


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