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

Civil Suit No.	90/1 of 2022
Date of Original Institution:	26.02.2022
Date of Transfer in:	07.07.2022
Date of Decision:	21.09.2022

1. **Ajmal Khan son of Ghuncha Gul** and
2. **Mst: Ihsan Bibi wife of Ghuncha Gul,** both residents of Qaum Mishti, Tapa Haider Khel, Sarla, Tehsil Central District Orakzai.

.....**(Plaintiffs)**

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 plaintiffs have 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 no.1 is **01.01.1996**, according to Secondary School Detailed Marks Certificate and correct date of birth of plaintiff no. 2 is **01.01.1978** while it has been wrongly entered as 01.01.1991 in the CNICs by the defendants, which are wrong, ineffective upon the right of the plaintiffs and liable to correction. That the defendants were

Shabeer Ahmad
21/09/2022
Civil Judge-II
Orakzai at (Kalaya)

repeatedly asked to correct the dates of birth of plaintiffs 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, 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. 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-*

Shabeer Ahmad
Civil Judge/JM-II
Orakzai at (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.*"

4. Record reveals that plaintiffs through instant suit are seeking correction of dates of birth to the effect that their correct

dates of birth of plaintiff no.1 is **01.01.1996** and that of plaintiff no. 2 is **01.01.1978** while it has been wrongly mentioned as 01.01.1991 in the CNICs by the defendants, which are wrong, ineffective upon the right of the plaintiffs and liable to correction. Plaintiff no. 1 in support of his contention produced his Secondary School Detailed Marks Certificate, wherein, date of birth of the plaintiff no. 1 is **01.01.1996**. Plaintiff no. 2 in support of her contention produced the copy of CNIC of his son (the plaintiff no. 1) bearing CNIC No. 21601-5616367-9 and her own CNIC bearing CNIC No. 21601-2566855-4 wherein same date of birth i.e. 01.01.1991 is mentioned. How is it possible that son and mother have same date of births? The said documents clearly negate the incorporation of dates of birth of the plaintiffs as 01.01.1991 in their CNICs. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiffs in support of their contention. So, the available record clearly establishes the claim of the plaintiffs.

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

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 plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct the dates of birth of plaintiff no. 1 as **01.01.1996** and that of plaintiff no.

2 as **01.01.1978** in their record and in the CNICs of the plaintiffs.

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 four (**04**) pages, each has been checked, corrected where necessary and signed.

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