

IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II, TEHSIL COURT, KALAYA, ORAKZAI

Civil Suit No. 21/1 of 2024
Date of Institution: 15.05.2024
Date of Decision: 27.05.2024

1. Jameen Shah S/O Azmat Shah and
 2. Mst. Mima Bibi D/O Azmat Shah, both residents of Qom Feroz Khel, Tappa Qeemat Khel, Tehsil Lower District Orakzai.
-(Plaintiffs)

VERSUS

1. Chairman, NADRA, Islamabad.
 2. Assistant Director NADRA Orakzai.
Director General NADRA, Peshawar.
-(Defendants)

Syed Abbas Bukhari
SYED ABBAS BUKHARI
 Civil Judge, II
 Tehsil Kalaya Orakzai


SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTION

SUMMARY JUDGEMENT:
27.05.2024

1. Brief facts of the case in hand are that the plaintiffs have filed the instant suit for declaration, permanent and mandatory injunction against the defendants seeking declaration therein that correct dates of birth of the plaintiffs are **01.01.1969** and **01.01.1968** respectively, while same has been incorrectly mentioned in the record of defendants as 1964 and 01.01.1967, which is wrong and ineffective upon the rights of the plaintiffs and is liable to be corrected. Furthermore, due to said wrong entries there exist un-

natural gap of 12 & 15 years between the ages of plaintiffs and their mother namely Mst. Lal Pa Jan, which is also impossible and against the order of nature. That the defendants were repeatedly asked to correct the dates of birth of plaintiffs but they refused, hence, the instant suit.

- 2. Today representative for defendants appeared before the court and submitted written statement, which is placed on file.


 SYED AABAS BUKHARI
 20/11/2024
 Tehsil Courts Kalaya

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 and thus there is no need to proceed with the regular trial and record pro and contra 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 plaintiffs heard and record gone through.

4. Record reveals that plaintiffs through instant suit are seeking correction of their dates of birth in the record of defendants and allege that their correct dates of birth are **01.01.1969** and **01.01.1968** respectively while in the record of defendants same has been mentioned as 1964 and 01.01.1967. Plaintiffs in support of their contention have annexed copy of death certificate of their Mother namely Mst. Lal Pa Jan, (CNIC No. 21603-5516499-2) wherein her date of birth is mentioned as 01.01.1952 and thus there exist an unnatural gap of 12 & 15 years between the ages of plaintiffs and their mother, which is impossible and against the order of nature.

[Handwritten Signature]
 SYED A. B. QURESHI
 Civil Judge/JM-II
 Tehsil Courts Kalaya

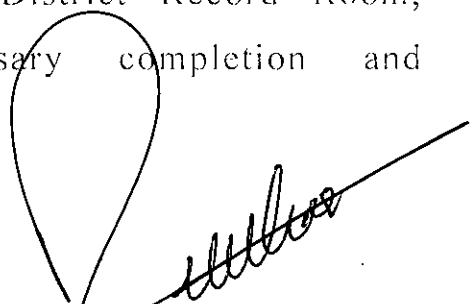
5. Further, there is no counter document available with the defendants to rebut the document produced by the plaintiffs in support of their contentions. So, the available record clearly establishes the claim of the plaintiffs.

6. 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 enter the correct the dates of birth of plaintiffs as **01.01.1969** and **01.01.1968** respectively in

their record and in the CNICs of the plaintiffs and thereafter issue fresh CNICs to the plaintiffs with correct dates of birth i.e. **01.01.1969** and **01.01.1968**.

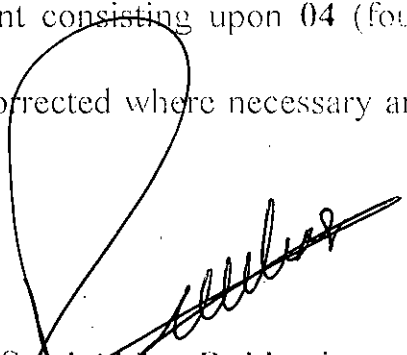
7. Parties are left to bear their own costs.
8. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
27.05.2024


Syed Abbas Bukhari,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consisting upon 04 (four) pages, each has been checked, corrected where necessary and signed.


Syed Abbas Bukhari,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai