

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

Civil Suit No. 14/1 of 2024
Date of Institution: 06.05.2024
Date of Decision: 20.05.2024

**Mst: Shahwar Jan wife of Daftar Ali resident of
Qom Bar Muhammad Khel Tappa Khuwaidad Khel,
Tehsil Lower District Orakzai.(Plaintiff)**

VERSUS

**Chairman, NADRA, Islamabad.
Assistant Director NADRA Orakzai.
Director General NADRA, Peshawar.**

.....(Defendants)

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

SUMMARY JUDGEMENT:
20.05.2024

1. Brief facts of the case in hand are that the plaintiff has filed the instant suit for declaration, permanent and mandatory injunction against the defendants seeking declaration therein that correct date of birth of the plaintiff are **01.01.1965**, while same has been incorrectly mentioned in the record of defendants as 01.01.1980, which is wrong and ineffective upon the rights of the plaintiff and is liable to be corrected. Furthermore, due to said wrong entries there exist un-natural gap of three years between the age of plaintiff and her daughter namely Azmina Jan, which is also

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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.

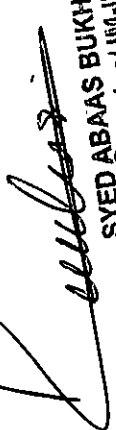
2. Today representative for defendants appeared before the court and submitted written statement, which is placed on file.

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 plaintiff through instant suit is seeking correction of her date of birth in the record of defendants and allege that her correct date of birth is


 SYED ABAAS BUKHARI
 Judge/JM-II
 Tehsil Courts Kataya
 20.05.2020

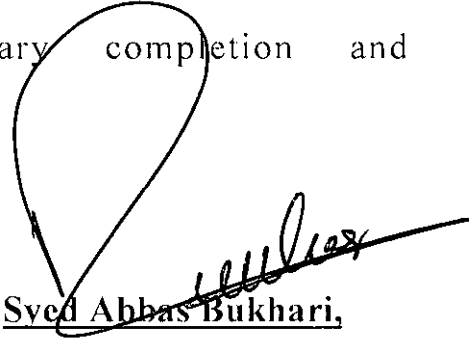
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01.01.1965 while in the record of defendants same has been mentioned as 01.01.1980. Plaintiff in support of her contention had annexed copy of CNIC of her daughter namely Mst. Azmina Jan, (CNIC No. 21603-8843055-8) wherein her date of birth is mentioned as 01.01.1983 and thus there exist an unnatural gap of 03 years between the age of plaintiff and her daughter, which is impossible and against the order of nature. Furthermore, on the other hand defendants in their written statement had also deposed that the correct date of birth of plaintiff is mentioned as 01.01.1965 in their official record and they further annexed family tree of plaintiff in support of their stance. In given circumstances, perusal of family tree of plaintiff, produced by defendants, would reveal that the date of birth of plaintiff has been correctly mentioned therein as 01.01.1965. Hence the defendants also admit the stance of plaintiff in their written statement. However on the other hand perusal of copy of CNIC of plaintiff would reveal that her date of birth in her CNIC has been mentioned as 01.01.1980 by defendants while in her family tree it has been mentioned as 01.01.1965 while defendants were supposed to have also entered correct date of birth of plaintiff in her CNIC also.


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 20. 05/11/2011
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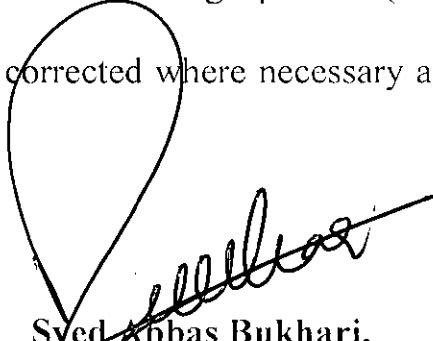
5. In light of the above discussion, the available record clearly establishes the claim of the plaintiffs. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to enter the correct the date of birth of plaintiff as **01.01.1965** in their record as well as in the CNIC of the plaintiff and thereafter issue fresh CNIC to the plaintiff with correct date of birth i.e. **01.01.1965**.
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
20.05.2024


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