

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

Civil Suit No. 45/1 of 2024
 Date of Institution: 17.08.2024
 Date of Decision: 03.09.2024

MST. NOOR TAHIRA DAUGHTER OF SYED MUHAMMAD RAZA, RESIDENT OF QOM BAR MUHAMMAD KHEL, TAPPA BABA NAWASI, KADDA BAZAR, DISTRICT ORAKZAI.

.....(PLAINTIFF)

VERSUS

1. CHAIRMAN, NADRA, ISLAMABAD.
2. DIRECTOR GENERAL NADRA, HAYAT ABAD, PESHAWAR.
3. ASSISTANT DIRECTOR NADRA ORAKZAI.

.....(DEFENDANTS)

SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTION

SUMMARY JUDGEMENT:

03.09.2024

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, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **01.01.1999**, while defendants have incorrectly entered the same as 01.01.1994 in their record which is wrong and 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. Today representative for defendants appeared before the court and submitted authority letter and written statement, which are placed on file.

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, while 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.

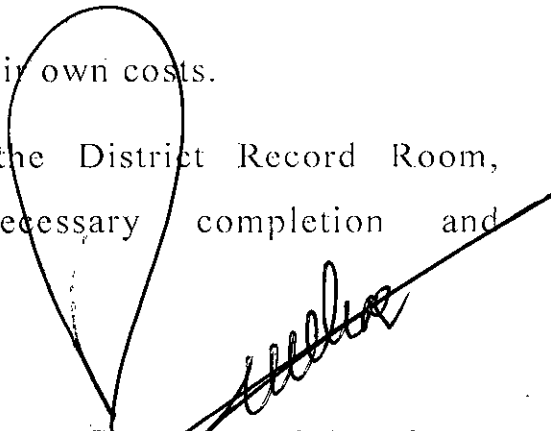
4. Record reveals that plaintiff through instant suit is seeking correction of date of birth to the effect that correct date of birth of plaintiff is **01.01.1999**, while it has been incorrectly entered as 01.01.1994 in the CNIC of the plaintiff by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her

Mst. Noor Tahira Vs NADRA

contention produced the copy of CNIC of her mother bearing CNIC No. 21603-8819063-4, wherein the date of birth of her mother is mentioned as 01.01.1980 and according to which there exist unnatural gaps of fourteen years between the ages of plaintiff with her mother, which is impossible and against the order of nature. The said document clearly negates the incorporation of date of birth of plaintiff as 01.01.1994. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of her contention. So, the available record clearly establish the claim of the plaintiff.

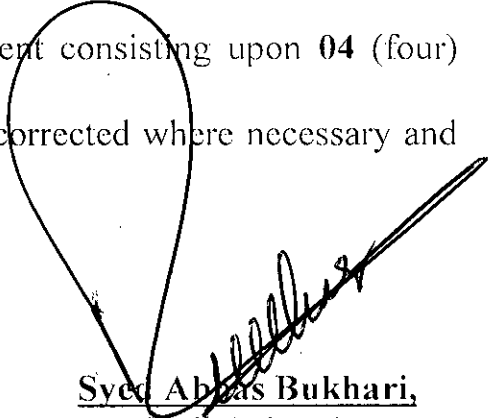
4. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **01.01.1999** in their record and in the CNIC of the plaintiff.
5. Parties are left to bear their own costs.
6. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
03.09.2024


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