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Mst. Faiz Ullah Jan Vs NADRA

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

Civil Suit No. 29/1 of 2024
Date of Institution: 25.06.2024
Date of Decision: 09.07.2024


Mst. Faiz Ullah Jan wife of Muhammad Yousaf,
resident of Qoum Mishti, Tapa Haider Khel, Tehsil
Central, District Orakzai.

.....(Plaintiff)

VERSUS

Chairman, NADRA, Islamabad.
Director General NADRA, Hayat Abad, Peshawar.
Assistant Director NADRA Orakzai.

.....(Defendants)


SYED ABBAS BUKHARI
CIVIL JUDGE-II
Tehsil Courts Kalaya

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

SUMMARY JUDGEMENT:
09.07.2024

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 **01.05.1981**, while defendants have incorrectly entered the same as 01.01.1974 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.

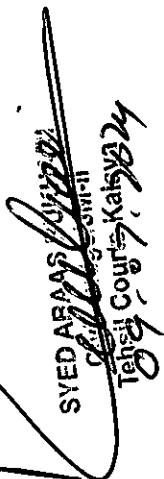
2. Today representative for defendants appeared before the court and submitted written statement, which is placed on file.

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 **01.05.1981** while it has been incorrectly entered as 01.01.1974 in the CNIC of the plaintiff by the defendants, which is wrong, ineffective upon the rights of the plaintiff and


 SYED ABBAS
 Counsel for Plaintiff
 Tehsil Court, Kalayana

liable to correction. Plaintiff in support of her contention produced the copy of CNIC of her mother namely Mahmal Bibi, bearing CNIC No. 21601-2232047-6, wherein the date of birth of plaintiff's mother is 01.01.1965 and according to which there is a gap of 09 years between the plaintiff and her mother, which is un-natural and against the SOP of NADRA. The said document clearly negates the incorporation of date of birth of plaintiff as 01.01.1974 in her CNIC bearing no. 21601-0617280-4. 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 establishes the claim of the plaintiff.

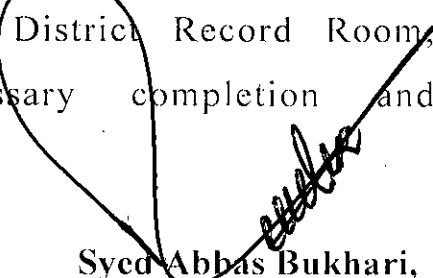
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the date of birth of plaintiff as **01.05.1981** in their record and in the CNIC of the plaintiff.

6. Parties are left to bear their own costs.

(Handwritten signature)
 SYED
 Civil Judge/JM-II
 01/05/2024

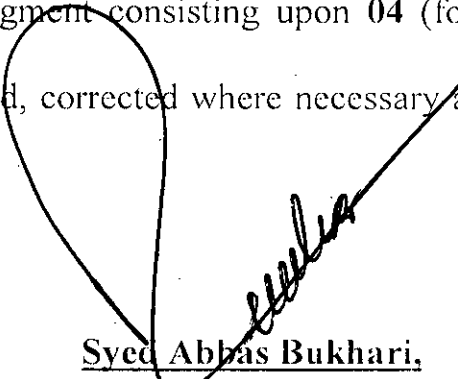
7. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
09.07.2024


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