

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

Civil Suit No. 30/1 of 2024
Date of Institution: 25.06.2024
Date of Decision: 09.07.2024


1. **Hameed Ullah S/O Hanif Shah and**
2. **Yasmeena W/O Hanif Shah** both residents of Qoum Mishti, Tapa Mamizai, Tehsil Central, District Orakzai.

.....(Plaintiffs)

VERSUS

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

.....(Defendants)


SYED ABBAS BUKHARI
Civil Judge, Jirani-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 plaintiffs, have filed the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct dates of birth of the plaintiffs are **05.05.2005 & 05.06.1987** respectively, while defendants have incorrectly entered the same as 01.12.2000 and 01.01.1968 in their record which are wrong and ineffective upon the right of the plaintiffs and liable to correction. 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.

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 plaintiffs heard and record gone through.

4. Record reveals that plaintiffs through instant suit is seeking correction of dates of birth to the effect that correct dates of birth of plaintiffs are **05.05.2005** and **05.06.1987** respectively while it has been incorrectly entered as 01.12.2000 and 01.01.1987 in the CNICs of the plaintiffs by the defendants, which are wrong, ineffective upon the right of the plaintiffs and liable to

SYID AZAAS BIN HUSSAIN
Civil Judge
District Court, Kuala Lumpur
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correction. Plaintiff no. 02 in support of her contention produced the copies of CNICs of her mother and father bearing CNICs No. 21603-6605220-4 and 21604-0753229-1, wherein the dates of birth of her parents are mentioned as 1970 & 01.01.1968 and according to which plaintiff no. 02 is 02 years elder than her mother while 02 years younger than her father which is illegal and against the order of nature. Furthermore, if the correct date of birth of plaintiff no. 02 is proved to be 05.06.1987 then there also exist unnatural gap of thirteen years between the age of plaintiff no. 02 and her son plaintiff no. 01, which is also impossible and against the order of nature. The said documents clearly negate the incorporation of dates of birth of plaintiff no. 01 as 01.12.2000 and plaintiff no. 02 as 01.01.1968. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiffs in support of their contention. So, the available record clearly establishes the claim of the plaintiffs.

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 plaintiffs succeeds and is hereby decreed as prayed for. Defendants are

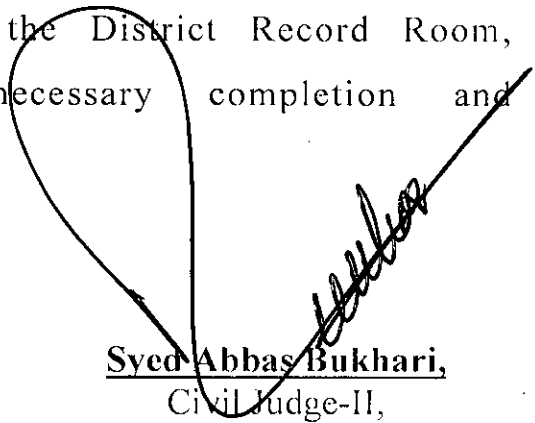
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directed to correct the dates of birth of plaintiffs as **05.05.2005** and **05.06.1987** respectively in their record and in the CNICs of the plaintiffs.

- 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.

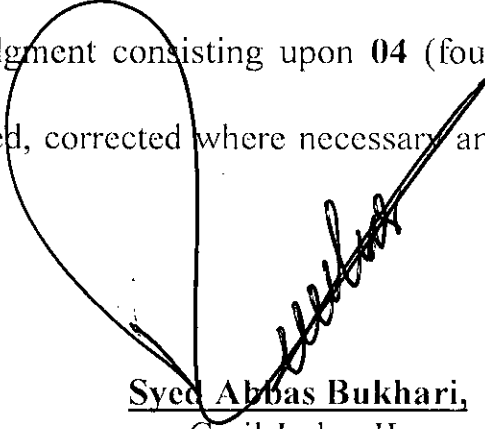
Announced
09.07.2024



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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