

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

Civil Suit No. 35/1 of 2024
Date of Institution: 24.07.2024
Date of Decision: 29.07.2024

KHAN AKBAR SON OF GHULAM HAIDER,
RESIDENT OF QOM SHIEKHAN, TAPPA
UMARZAI, LAK KANRRY, 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:
29.07.2024

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 **01.01.1957**, while defendants have incorrectly entered the same as 01.01.1962 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.

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 **01.01.1957**, while it has been incorrectly entered as 01.01.1962 in the CNIC of the plaintiff by the defendants, which is


24-07-23
SYED ABAAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

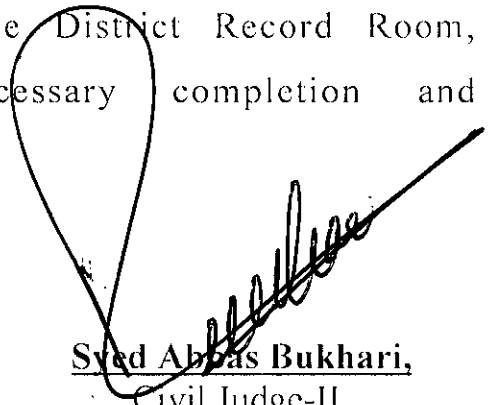
wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced the copy of CNIC of his son namely Lal Akbar bearing CNIC No. 216047-475400-1, wherein the date of birth of his son is mentioned as 1975 and according to which there exist unnatural gap of thirteen years between the ages of plaintiff with his son, which is impossible and against the order of nature. The said document clearly negates the incorporation of date of birth of plaintiff as 01.01.1962. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of his contention. So, the available record clearly establish the claim of the plaintiff.


29.07.2017
SYED ABAS SUKHARI
Civil Judge JIM-II
Tehsil Courts Kalaya

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 **01.01.1957** in their record and in the CNIC of the plaintiff.
5. Parties are left to bear their own costs.

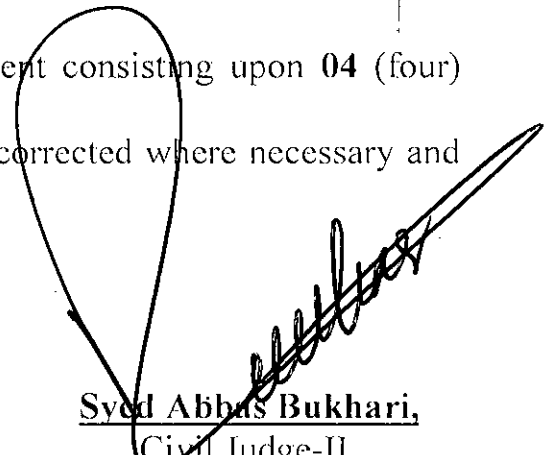
6. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
29.07.2024


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