

IN THE COURT OF MUHAMMAD JUNAID ALAM,
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 45/1 of 2024
Date of Institution: 21.10.2024
Date of Decision: 21.10.2024

1. BAGHI SHAH SON OF SAR MEER AND
2. MST. ZARI JAN WIFE OF BAGHI SHAH, BOTH RESIDENTS OF QOM UTMAN KHEL, TAPPA BRANKA KHEL, TARAI MELA DISTRICT ORAKZAI

.....(PLAINTIFFS)

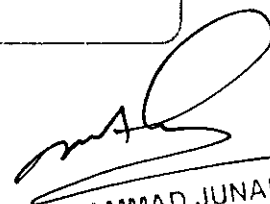
VERSUS

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

.....(DEFENDANTS)

SUIT FOR DECLARATION, PERMANENT AND MANDATORY INJUNCTION

SUMMARY JUDGEMENT:
21.10.2024


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Civil Judge / JM-II
Orakzai at Kalaya
21-10-2024

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 date of birth of both the plaintiff no. 01 & plaintiff no. 02 is 01.01.1957, while defendants have incorrectly entered the same as 1960 and 1965 respectively, in their record which is wrong and ineffective upon the rights of the plaintiffs and liable to correction. Furthermore, due to said wrong

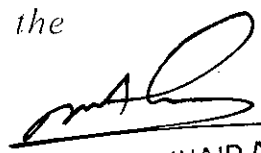
entries there exist un-natural gap of fifteen and ten years between the age of plaintiffs and their son namely Syed Muhammad. That the defendants were repeatedly asked to correct the dates of birth of plaintiffs but they refused, hence, the instant suit.

2. Today representative for defendants appeared before the court and submitted written statement, which is placed on file. Notice of summary trial of the instant case was issued to the defendants through its representative.
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 of very petty nature, which can be decided through summary judgement as per relevant record, without 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 dates of birth to the effect that


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correct date of both the plaintiff no. 01 & plaintiff no. 02 is **01.01.1957**, while defendants have incorrectly entered the same as 1960 and 1965 in their record by the defendants, which are wrong, ineffective upon the rights of the plaintiffs and liable to correction. Plaintiffs in support of their contention produced the copy of CNIC of their son Syed Muhammad bearing CNIC No. 21603-5515553-9, wherein the date of birth of their son is mentioned as 1975, and hence, there exist unnatural gaps of fifteen and ten years between the ages of plaintiffs with their son, which is impossible and against the order of nature. The said document clearly negates the correct incorporation of dates of birth of plaintiffs as 1960 & 1965 respectively. 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 directed to enter the correct dates of birth of both plaintiff no. 01 & 02 as **01.01.1957** in their record and


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issue new CNICs to the plaintiffs with correct entries.

This decree shall not effect the rights of other(s) or service record if any.

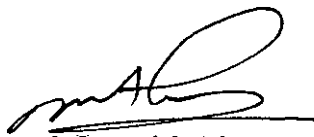
5. Parties are left to bear their own costs.
6. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced
21.10.2024


Muhammad Junaid Alam,
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Tehsil Courts, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consisting upon **four** (04) pages, each has been checked, corrected where necessary and signed.


Muhammad Junaid Alam,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai