

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

Suit No.....100/1 of 2024.

Date of Institution.....12.11.2024.

Date of Decision.....17.12.2024.

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Mst. Kirzadi Jan wife of Zareen, resident of Tandcer Khel, Mani Khel,
District Orakzai.

.....(Plaintiff)

VERSUS

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

.....(Defendants)

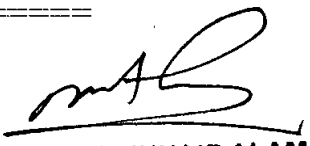
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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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SUMMARY JUDGEMENT

17.12.2024

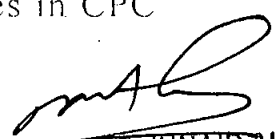

MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai, Kalaya
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1. Brief facts of the case in hand are that the plaintiff filed the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **02.01.1971**, while defendants have incorrectly entered the same as 1948 in their record which is wrong and ineffective upon the rights of the plaintiff and liable to correction. Furthermore, due to this wrong entry, there is exist an unnatural gap of about two years between the ages of plaintiff and her mother namely Mst. Kisweri Jan whose date of birth is 18.07.1950. That defendants

were asked time and again to rectify date of birth of plaintiff but in vain hence, the present suit.

2. 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. Notice of summary trial of the instant case was issued to the defendants through its representative. 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."*


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3. Learned counsel for plaintiff heard and record gone through.

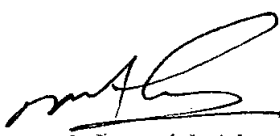
4. Record reveals that plaintiff through instant suit is seeking correction of date of birth to the effect that correct date of birth of plaintiff is **02.01.1971** while it has been incorrectly entered as 1948 in the CNIC of the plaintiff by the defendants, which is wrong, ineffective upon the right of the plaintiff and liable to correction. Plaintiff in support of her contention produced the copy of CNIC of her mother namely Mst. Kiswari Jan, bearing CNIC No. 21603-0188087-0, wherein the date of birth of plaintiff's mother is 18.07.1950 and according to which there is a gap of 02 years between the plaintiff and her mother, which is unnatural and against the SOP of NADRA. Additionally, how it possible that a daughter is born before her mother. The said

document clearly negates the incorporation of date of birth of plaintiff as 1948 in her CNIC bearing no. 21603-9105056-2.

5. 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.
6. 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 **02.01.1971** in their record and in the CNIC of the plaintiff.
7. Parties are left to bear their own costs.
8. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced

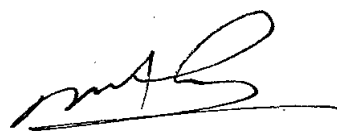
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Muhammad Junaid Alam
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consisting upon **three (03)** pages, each has been checked, corrected where necessary and signed.

Dated: **17.12.2024**


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