

38

**IN THE COURT OF IJAZ MAHSOOD, SENIOR CIVIL JUDGE,  
ORAKZAI AT BABER MELA**

Suit No.....87/1 of 2024

Date of Institution.....26.07.2024

Date of Decision.....24.01.2025

=====

**Ameena Nawab D/O Gul Nawab, R/O Qoum Rabia Khel,  
Tappa Afzal Khel, Samana, Tehsil Ismail Zai, District  
Orakzai.**

.....(*Plaintiff*)

**Versus**

1. Chairman NADRA Islamabad
2. Director General NADRA Hayat Abad, Peshawar
3. Assistant Director NADRA, District Orakzai.
4. Chairman BISE Kohat
5. Controller of Examination BISE Peshawar
6. Controller of Examination, Khyber Medical University,  
Peshawar
7. Vice Chancellor, Khyber Medical University, Peshawar
8. Registrar Khyber Medical University, Peshawar

..... (*Defendants*)

=====  
**SUIT FOR DECLARATION & PERMANENT INJUNCTION**  
=====

**JUDGMENT**

24.01.2025

This judgment decides instant case filed by Mst.

Ameena for correction of name and date of birth in her record as

maintained by the defendants.

Senior Civil Judge  
Orakzai Baber Mela  
24 JAN 2025

31

**Pleadings:**

The claim as related in the plaint reads that correct name of plaintiff is Ameena Nawab and her correct date of birth is 08.12.1995 while the same have been erroneously recorded as Ameena and 11.05.1987, respectively by defendants no 01 to 03. It is further alleged that defendants No. 04 to 08 have erroneously recorded her date of birth as 11.05.1996 in their record. That correct date of birth of plaintiff's twin sister namely Munira Nawab is 08.12.1995 and that of her brother namely Jasim Nawab is 27.12.1996, which leaves unnatural age gap of 05 months and 07 months between the plaintiff and her sibling as mentioned above.

It is further alleged that when defendants were requested to rectify the mistake extra-judicially, they declined, hence the suit.

Defendants were summoned in whom defendants No. 01 to 03 appeared through their representative who submitted written statement, while remaining defendants No. 04 to 08 failed to appear before the court; hence they were placed and proceeded ex-parte.

Senior Civil Judge  
Orakzai at Baber Mela  
24 JAN 2025

During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involves simple adjudication, which can be decided through summary judgement as per relevant record and admitted record. To this effect notice was given to the parties that why not the case in hand be decided on the basis of available 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 and representative for contesting defendants heard and record gone through.

Record reveals that the instant matter was previously taken up by my learned predecessor in the court vide order/judgment dated: 20.10.2022 to the extent

Seripr Civil Judge  
Orakpai at Raber Mela  
24 JAN 2025

33

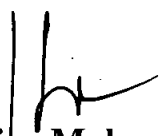
of correct of date of birth by defendants No. 01 to 03 of the present suit.

Despite corrections in her record, the new date of birth falls at an unnatural birth gap between plaintiff, and her sister Miss Munira. Plaintiff now requests to remove this error by making her a twin with her sister, so as to avoid future complications in personal and career records.

Unnatural gap, when established on the face of record does not require further proof. In the situation at hand, the best solution, if not a good one, is to grant the prayer, so as to remove future complications. 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. Correct date of birth of the plaintiff is declared as 08.12.1995. All the defendants are advised to bring their record in line with this judgment. Costs shall follow the event.

File be consigned to record room after its necessary completion and compilation.

**ANNOUNCED**  
24.01.2025

  
(Ijaz Mahsood)  
Senior Civil Judge,  
Orakzai (at Baber Mela)

34

**CERTIFICATE**

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



**(Ijaz Mahsood)**  
Senior Civil Judge,  
Orakzai (at Baber Mela)