

**IN THE COURT OF MUHAMMAD AYAZ KHAN,**  
**SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No. 220/1 of 2019  
 Date of Institution: 04/12/2019  
 Date of Decision: 07/01/2020

**Lal Jana Bibi w/o Abdul Hakeem**

Resident of Village Qareeshan Samma, PO Ghiljo, Tehsil Lower Orakzai & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

(Defendant

s)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**SUMMARY JUDGEMENT:**  
**ORDER XV-A CPC**

1. Plaintiff, **Lal Jana Bibi w/o Abdul Hakeem**, has brought the

instant suit for declaration-cum-permanent injunction against

the defendants, referred hereinabove, seeking declaration

therein that her correct date of birth is **01.01.1977**, while it has

been wrongly mentioned as **1965** by the defendants, which is

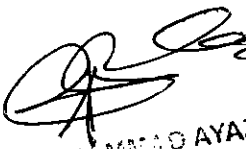
against the facts and circumstances. Hence, the instant suit.

2. Defendants were summoned, who appeared through attorney

namely **Syed Farhat Abbas**, who stated at the bar that there is

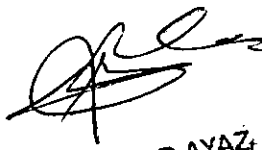
no need of filing of application on behalf of the defendants. He

submitted written statement, which is placed on file.

  
 MUHAMMAD AYAZ  
 Senior Civil Judge,  
 Orakzai at Hangu.


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 as per available record and there is no need of pro and contra evidence in the instant case. The primary aim and objective of recent Amendment Act 2019 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."

  
 MUHAMMAD AYAZ  
 Senior Civil Judge,  
 Orakzai at Hangu

During the scheduling conference, it was noticed by the court that the difference of age between the plaintiff and her son namely Abdul Kareem is 07 years, with her second son namely Abdul Wahab Qureshi is 12 years, which is not possible and the same is unnatural gape. Even otherwise, the above-mentioned gapes between plaintiff and her offspring is not appealable to any prudent mind, hence, declared unnatural and against the facts and circumstances of the case. There is no need of evidence in the instant case as the correction can be made on the available record. Even if the evidence is produced by the parties, the factum of unnatural gape between the plaintiff and her kids will not be changed. This unnatural gape is not

sustainable as it is not only against the law of nature but also against the law of the land. If this correction is not made in the CNIC of the plaintiff, at this stage, it would create problems for the children of the plaintiff in future. Even otherwise, it is in the interest of NADRA to maintain correct database of the plaintiff. This will also avoid future litigation on the subject by the children of the plaintiff. Interestingly, the representative of the defendants conceded at the bar that decree can be granted without evidence in present case as the gap between the plaintiff and her children is unnatural and against the law of nature. Hence, plaintiff has got a very case and is entitled for the decree.

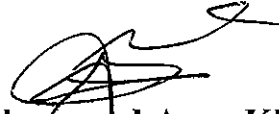
  
MUHAMMAD AYAZ  
Senior Civil Judge,  
Orakzai **Relief:**

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 her date of birth as **01.01.1977** forthwith.

3. Parties are left to bear their own costs.
4. File be consigned to the record room after its necessary completion and compilation.

**Announced**

07/01/2020



**(Muhammad Ayaz Khan)**

Senior Civil Judge,  
Orakzai at Baber Mela

**CERTIFICATE**

Certified that this judgment of mine consists **04** (four) pages, each has been checked, corrected where necessary and signed by me.



**MUHAMMAD AYAZ KHAN**

Senior Civil Judge,  
Orakzai (at Baber Mela).