

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

Civil Suit No. 156/1 of 2019
 Date of Institution: 02/09/2019
 Date of Decision: 08/01/2020

Sohan Ali /o Akbar Ali

Resident of Village Aand Khel, PO Tazi khel, Tehsil Lower & 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, **Sohan Ali** s/o Akbar Ali, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking therein that his correct date of birth is **18.09.1982**, while it has been wrongly mentioned as **18.09.1976** in his CNIC 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.

During the scheduling conference the case was discussed that plaintiff claims that his correct date of birth is **18.09.1982**, whereas, the same has wrongly been entered as **18.09.1976**. In

circumstances, if we presume the correct date of birth of the plaintiff as **18.09.1982**, the elder daughter of the plaintiff namely Rajmeen Sultan has born on 15.02.1996, then, only 14 years of gap between the plaintiff and his daughter remains, which becomes an unnatural gape. 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."

During the scheduling conference within the meaning of order IX-A of CPC, it was noticed by the court, if the correction is made as per the claim of the plaintiff, then, the issue of unnatural gap between plaintiff and his daughter will raise. Hence, plaintiff is not entitled to the decree as prayed for.


MUHAMMAD AYAZ
Senior Civil Judge
Orakzai at Hangu

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 is hereby dismissed. Parties are left to bear their own costs.

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

Announced

08/01/2020



(Muhammad Ayaz Khan)

Senior Civil Judge,
Orakzai at Baber Mela

CERTIFICATE

Certified that this judgment of mine consists **03** (three) pages,
each has been checked, corrected where necessary and signed by me.



MUHAMMAD AYAZ KHAN

Senior Civil Judge,
Orakzai (at Baber Mela).