

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

Civil Suit No. 177/1 of 2019
Date of Institution: 12/09/2019
Date of Decision: 16/01/2020

Munir Ali s/o Moin Ali

Resident of Village Aabi Khel, PO kurez, 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, **Munir Ali** s/o Moin 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 **05.01.1972**, while it has been wrongly mentioned as **1960** 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 with the counsel for the plaintiff, who claims that the correct date of birth of the plaintiff is **05.01.1972**, whereas, the same has wrongly been entered as **1960**. He relied upon the service

book and 8th class school leaving certificate of the plaintiff. 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."

During the scheduling conference within the meaning of order IX-A of CPC, it was noticed by the court, that plaintiff couldn't produce such an evidence on which this court may rely. He produced his service book copy and 8th class school leaving provisional certificate as evidence. The said certificate is not authentic document as compare to Matric certificate, which is maintained by the BISE and has got precedence over other documents. The date of birth mentioned in the school leaving certificate is not correct, so, no reliance can be placed on said certificate. Even the original service book is not produced by the counsel for the plaintiff, during scheduling conference, which shows the interest of the counsel in the instant case. Interestingly, plaintiff didn't bother to appear in the court. Moreover, 06 opportunities have been given to the plaintiff and his counsel to submit list of witnesses but till date they failed to comply the legal order of this court.

Hence, plaintiff failed to convince the court regarding his claim, so, the claim of the plaintiff is rejected in the circumstances. The plaintiff is not entitled to the decree as prayed for.

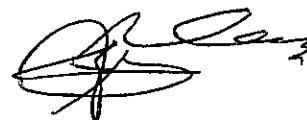
Relief:

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

16/01/2020

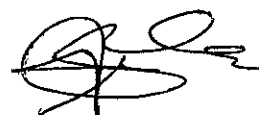


(Muhammad Ayaz Khan)

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).