

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

Civil Suit No. 110/1 of 2019
Date of Institution: 16/05/2019
Date of Decision: 21/02/2020

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1. **Asim Raza s/o Bahar Ali**
2. **Amin Hussain s/o Bahar Ali**
3. **Muhammad Amin s/o Bahar Ali**
4. **Maryam d/o Bahar Ali**

Resident of Village Char Khel, PO Kalaya, 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

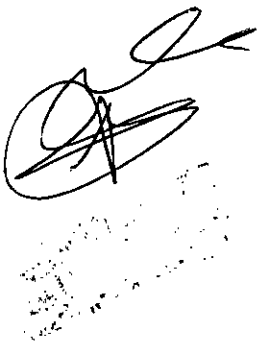
SUMMARY JUDGEMENT:
ORDER XV-A CPC

1. Plaintiff, **Asim Raza and 03 others**, have brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking therein that their correct date of birth is **03.01.2007, 09.04.2009, 04.04.2010** and **29.07.2016** while it has been wrongly mentioned as **03.10.2017, 09.04.2009, 04.04.2011** and **29.07.2015** in their Form-B 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, however, no document has been produced by the plaintiffs in their support. The primary aim and objective of Amended Management Rules in CPC is, "to enable the court to-

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- 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. Interestingly, plaintiff didn't bother to appear in the court. Moreover, 12 opportunities have been given to the plaintiff and his counsel to produce evidence but till date they failed to comply the legal order of this court.

Hence, plaintiffs failed to convince the court regarding their claim, so, the claim of the plaintiffs is rejected in the circumstances. The plaintiffs are 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.

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

Announced
21/02/2020


(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).