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

Civil Suit No. 263/1 of 2019
Date of Institution: 22/02/2020
Date of Decision: 22/07/2020

1. Habeeb Hassan s/o Mir Raza

2. Tehsila Jan w/o Habeeb Hassan

Resident of Caste Mani Khel Tappa Mast Ali Khel, PO Kalaya, Tehsil lower Orakzai
& District Orakzai..... (Plaintiffs)

VERSUS

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

(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

SUMMARY JUDGEMENT:

22.07.2020

1. Plaintiffs, **Habeeb Hassan s/o Mir Raza and Tehsial Jan w/o Habeeb Hassan**, have brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that the correct date of birth of the plaintiff No.1 is **31.03.1957** and Plaintiff No.2 is **1965**, while it has been wrongly mentioned as 1975 in CNICs of both the plaintiffs 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**, and submitted their written statement.

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3. During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involve in the instant case is very petty in nature, which can be decided through summary judgement as per relevant record and to this effect notice was given to the parties that why not case in hand be decided on the basis of available record without recording pro and contra 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."*

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During the scheduling conference, representative for defendants was directed to produce the family tree of plaintiff which he produced today.

4. Learned counsel for the plaintiff and representative for defendants heard and record gone through.
5. Record reveals that plaintiffs through instant suit are seeking correction of their date of birth to the effect that correct date of birth of plaintiff No.1 is 31.03.1957 while of plaintiff No.2 is 1965 but defendants have wrongly mentioned their date of birth in the their CNICs as 1975. Plaintiffs in support of their

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contention have produced the service record of plaintiff No.1, wherein date of birth of plaintiff No.1 has been mentioned as 31.03.1957. The service record further reveals that plaintiff No.1 was appointed as Sepoy in Frontier Constabulary on 31.03.1975 and he retired on 15.04.1990. So, the service record of plaintiff No.1 clearly negates the incorporation of his date of birth as 1975 in his CNIC for the reason that the same year is the year of his appointment in his service. Furthermore, representative for defendants produced the family tree of plaintiffs and the same is available on file. The perusal of which shows that the date of birth of elder son of plaintiffs as 03.04.1985 while of plaintiffs are year 1975. So, the difference between the date of birth of son and his parents is only 10 years. Such a difference between the age of son and his parents seems unnatural and against the facts and common sense, which further support the contention of plaintiff that their dates of birth were incorrectly recorded by the defendants in their record and the CNIC of plaintiffs. So, the available record clearly establishing the claim of plaintiffs.

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

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Qadizai at Baber Mela

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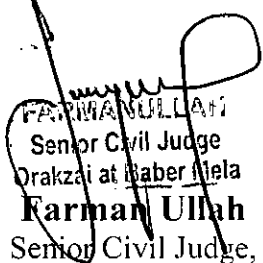
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prayed for. Defendants are directed to correct the date of birth of plaintiffs in their record.

6. Parties are left to bear their own costs.

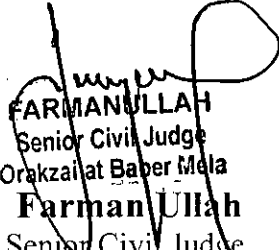
7. File be consigned to the record room after its necessary completion and compilation.

Announced
22/07/2020


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

CERTIFICATE

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


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.