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Mst. Jan Bibi Jan Vs NADRA

IN THE COURT OF MUHAMMAD JUNAID ALAM,
CIVIL JUDGE-II, TEHSIL COURT, KALAYA, ORAKZAI

Civil Suit No. 14/1 of 2025
Date of Institution: 25.02.2025
Date of Decision: 26.02.2025

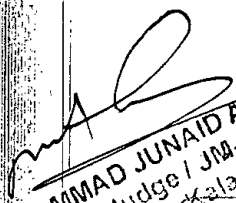
**MST. JAN BIBI WIFE OF ASHMAR GUL, RESIDENT
OF QOUM BEZOT, TAPPA MIR KULLI KHEL,
FEROZ KHEL, TEHSIL LOWER, DISTRICT
ORAKZAI.**

.....(PLAINTIFF)

VERSUS

1. CHAIRMAN NADRA ISLAMABAD
2. DIRECTOR GENERAL NADRA PESHAWAR
3. ASSISTANT DIRECTOR NADRA ORAKZAI

.....(DEFENDANTS)


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

**SUIT FOR DECLARATION, PERMANENT AND MANDATORY
INJUNCTION**

SUMMARY JUDGEMENT:

26.02.2025

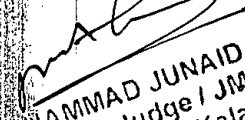
1. Brief facts of the case in hand are that the plaintiff, have filed the instant suit for declaration-cum-permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **01.01.1965**, while defendants have incorrectly entered the date of birth of plaintiff as 01.01.1985, in their record which is wrong and ineffective upon the right of the plaintiff and liable to correction. Furthermore,

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due to said wrong entry there is exist un-natural gap of two years between the ages of plaintiff and her son namely Bismillah Khan bearing CNIC No. 21603-3841022-1. That the defendants were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit.

2. Today representative for defendants appeared before the court and submitted authority letter and written statement, which are placed on file. Notice of summary trial of the instant case was issued to the defendants through its representative.

3. 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 of very petty nature, which can be decided through summary judgement as


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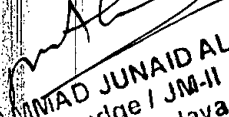
relevant record, without recording lengthy evidence. As the primary aim and objective of Amended Management Rules in CPC is, "*to enable the court to-*

- 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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Learned counsel for plaintiff heard and record gone through.

4. Record reveals that plaintiff through instant suit is seeking correction of date of birth to the effect that correct date of birth of plaintiff is **01.01.1965** while defendants have incorrectly entered the date of birth of plaintiff as 01.01.1985 in their record by the defendants, which is wrong, ineffective upon the right of the plaintiff and liable to correction.
5. Plaintiff in support of her contention produced the copy of CNIC of her son namely Bismillah Khan bearing CNIC No. 21603-3841022-1, wherein the date of birth is mentioned as 15.07.1983, which shows that there exists un-natural gap of two years between the ages of plaintiff and her son, which is impossible and against the order of nature. Further, there is no countered document available with the defendants to rebut the document produced by the plaintiff in support of her contention. So, the available record clearly establishes the claim of the plaintiff.
4. 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 enter the correct date of birth of the


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plaintiff as **01.01.1965** in their record and issue fresh CNIC to the plaintiff with new date of birth. This decree shall not effect the rights of other(s) or service record if any.

5. Parties are left to bear their own costs.
6. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

Announced

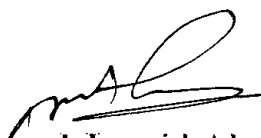
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CERTIFICATE

Certified that this judgment consisting upon **04** (four) pages, each has been checked, corrected where necessary and signed.



Muhammad Junaid Alam,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai