

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

Civil Suit No. 12/1 of 2025
Date of Institution: 18.02.2025
Date of Decision: 25.02.2025

MST. ORSILA JAN WIFE OF SIAL KHAN,
RESIDENT OF QAUM BAR MUHAMMAD KHEL,
TAPA ALAT KHEL, TEHSIL LOWER, DISTRICT
ORAKZAI.

.....(PLAINTIFF)

VERSUS

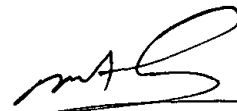
ASSISTANT DIRECTOR NADRA ORAKZAI

.....(DEFENDANT)

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

SUMMARY JUDGEMENT:

25.02.2025


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


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 defendant, referred hereinabove, seeking declaration therein that correct date of birth of the plaintiff is **01.01.1962** while defendant have incorrectly entered the date of birth of plaintiff as 01.01.1972, in his record, which is wrong and ineffective upon the right of the plaintiff and liable to correction. Furthermore, due to said wrong entries there exists an un-natural gap of twelve years between the ages of plaintiff and her son namely Barkat Ali, bearing CNIC No. 21603-

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3809003-9. That the defendant was repeatedly asked to correct the date of birth of plaintiff but he refused, hence, the instant suit.

2. Today representative for defendant 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 defendant 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 per 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."*


 MUHAMMAD JUNAID ALAM
 Civil Judge / JM-II
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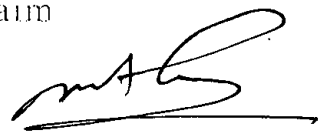
Learned counsel for plaintiff heard and record gone through.

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 **01.01.1962** while defendant have incorrectly entered the date of birth of

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plaintiff as 01.01.1972 in his record by the defendant, which is wrong, ineffective upon the right of the plaintiff and liable to correction. Plaintiff in support of her contention produced the copy of CNIC of her son namely Barkat Ali bearing CNIC No. 21603-3809003-9, wherein the date of birth is mentioned as 11.05.1984 which shows there exists un-natural gap of twelve years between the ages of plaintiff and her son, which is impossible and against the order of nature. The said document clearly negates the existing incorporation of date of birth of plaintiff as 01.01.1972. Further, there is no countered document available with the defendant to rebut the document produced by the plaintiff in support of her contention. So, the available record clearly establishes the claim of the plaintiff.

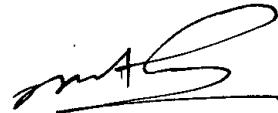
4. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendant is directed to enter the correct date of birth of the plaintiff as **01.01.1962** in their record 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.


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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

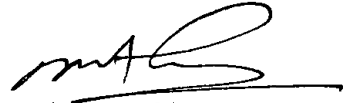
25.02.2025



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

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