

IN THE COURT OF IJAZ MAHSOOD, SENIOR CIVIL JUDGE,
ORAKZAI AT BABER MELA

Suit No.....113/1 of 2024
Date of Institution..... 13.11.2024
Date of Decision..... 07.03.2025
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Mehtab Alam s/o Aftab Ahmad, R/O Qoum Feroz Khel,
Tappa Qasim Khel, Tehsil lower, District Orakzai.
.....(Plaintiff)

Versus

1. Chairman BISE Kohat
 2. Controller of Examination BISE Kohat.
- (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

SUMMARY JUDGMENT
07.03.2025

This judgment decides instant case filed by Mehtab Alam for correction of his date of birth and father's name as maintained by the defendants.

Pleadings:

Facts as recounted in the plaint reads that correct birth date of the plaintiff is 04.05.2007 and correct name of his father is Aftab Ahmad while the defendants have erroneously recorded the same as 15.04.2006 and Aftab Alam respectively; hence, the suit.

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Defendants were summoned who appeared through their legal advisor Shaheen Muhammad advocate, who submitted written statement.


During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in the instant case involves simple adjudication, which can be decided through summary judgement as per relevant and admitted record.

To this effect notice was given to the parties that why not the case in hand be decided on the basis of available 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."*

Learned counsel for plaintiff and legal advisor

for the defendants heard and record gone through.

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Record reveals that date of birth of the plaintiff according to Form "B" is 04.05.2007 and correct name of his father according to CNIC is Aftab Ahmad, but the defendants have wrongly recorded the same as 15.04.2006.

The court has to choose for reliance between academic record of the plaintiff maintained over his academic career, and a Form-B issued to him by NADRA authorities.

Strikingly, the Form-B certificate was applied for and acquired four years ago in the year 2020. Record shows that plaintiff graduated matriculation on 13/08/2022

Apparently, the plaintiff was not registered, presumably, with the educational board when he acquired the Form-B. It is sufficiently reasonable to rule out malafide, or preconceived design in the act of acquiring a Form-b 4-5 years back for the instant suit.

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. Correct date


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of birth and father's name of the plaintiff is declared as recorded in his form "B" and CNIC of his father i.e. 04.05.2007 and Aftab Ahmad respectively. Defendants are advised to bring their record in line with this judgment. Costs shall follow.

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


ANNOUNCED

07.03.2025


(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

It is certified that this judgment consists of 04 pages. Each page has been dictated, read, corrected and signed by me.


(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)