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

Suit No.....62/1 of 2025

Date of Institution..... 23.07.2025

Date of Decision.....20.09.2025

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Syed Aitezaz Ul Hassan s/o Syed Muhammad Aqeel,
R/O Ali Khel, Tappa Panjum Khel, Tehsil Upper, District
Orakzai.

.....(*Plaintiff*)

Versus

1. Chairman Nadra Islamabad
2. Director General Nadra Hayatabad Peshawar
3. Assistant Director NADRA, Orakzai
4. Chairman Board of Intermediate and Secondary
Education Kohat

..... (*Defendants*)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

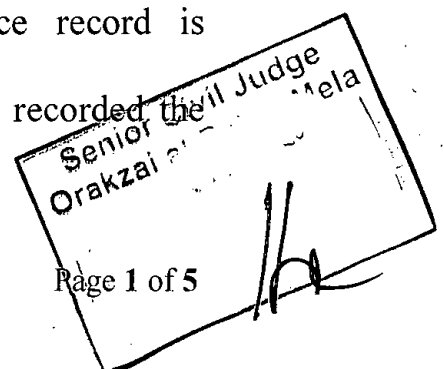
SUMMARY JUDGMENT

20.09.2025

This judgment decides instant case filed by Syed
Aitezaz Ul Hassan for correction of date of birth as maintained
by the defendants.

Pleadings:

Facts as recounted in the plaint reads that correct birth
date of the plaintiff's according to his service record is
05.02.1992 while the defendants have erroneously recorded the
same as 05.02.1995.



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It is further alleged that when defendants were requested to rectify the mistake extra-judicially, they declined, hence the suit.

Defendants were summoned they appeared through their representatives and submitted written statement.

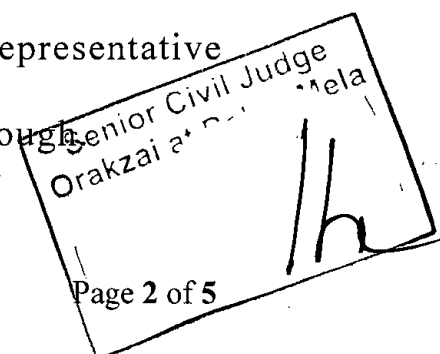
During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in the instant case involves simple adjudication, which can be decided through summary judgement as per relevant and admitted record.

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 representative for the defendants heard and record gone through

Reasons:



This issue encapsulates the heart of the matter: whether date of birth is liable to be corrected/set as 1992 instead of 1995. The onus to prove the issue was on the plaintiff.

At the outset, the plaintiff submitted that his academic record hold his date of birth as 1995 which is different from the one contained in his service record. He pleads that he has served in the police force, and its predecessor Levy force, for over a decade now. As per law, his date of birth cannot be altered now in the service record, as it would affect the service terms of his colleagues in the seniority and retirement list.

He pleads that if the error is allowed to persist, it would likely result in insolvable complications in career and service. He adds that although the date recorded in the service record will shorten his service length by 03 years, yet he is willing to accept the cost to remove the discrepancy. He prays the court to set his record straight for him.

Clearly, academic record of the plaintiff, as he admitted, runs contrary to the service record. Similarly, his CNIC record also runs counter. However, his service record, as per GFR 116-118, was amenable to correction within two years of service, and not after that.

Senior Civil Judge
Orakzai
Hela

Now, if the plaintiff is allowed to continue with the erroneous record, he will naturally suffer in career. If his service record is altered, it would cause his colleagues following him on the seniority list to suffer. However, if his academic and CNIC age entry is brought in line with his service record, the consequences will affect him alone, presumably.

It is also noteworthy, that plaintiff was inducted into the erstwhile levy force upon the retirement of his predecessor. It was a common practice in the former FATA to present their eldest eligible child for employment in the force without strict regard for his age etc. In such employments, sensitivity to accuracy was date of birth was usually missing.

The court in merged districts has to keep special regard for the socio-cultural context in which disputes and controversies are engendered. Strict adjudication on evidentiary merits may cause harm to the administration of justice and dispute resolution.

In the situation at hand, the best solution, even if not a good one, is to grant the prayer, so as to remove future complications. In view of the above discussion, in order to spare the plaintiff loss and trouble in his career, the court is inclined to accept his prayer.

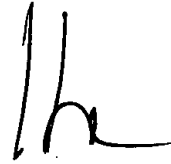
Senior Civil Judge
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Ruling:

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 of birth of plaintiff is declared as 05.02.1992. Defendants shall bring their record in line with this judgment. Costs shall follow the event.

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

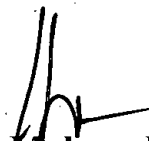
ANNOUNCED
20.09.2025



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

CERTIFICATE

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



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