IN THE COURT OF SAMI ULLAH,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA

Civil Suit No.	21/1 of 2023
Date of Institution:	22/03/2023
Date of Decision:	26/05/2023

1. **Jamil Khan S/O Gulat Khan**
2. **Abid Ullah S/O Gulat Khan**
3. **Shazia Bibi D/O Gulat Khan**
4. **Naveed Ullah S/O Gulat Khan**

All R/O Qoam Ali Khel, Tappa Meerwas Khel, District Orakzai.

.....**(Plaintiffs)**

VERSUS

1. **General Registrar Nadra, Islamabad**
2. **Deputy Registrar Nadra, Peshawar**
3. **Assistant Director Nadra, District Orakzai.**

..... **(Defendants)**

SUIT FOR DECLARATION CUM PERPETUAL AND MANDATORY INJUNCTION

SUMMARY JUDGEMENT:
26.05.2023

1. Brief facts of the case in hand are that the plaintiff, **Jamil Khan** and others, have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that the correct name and date of birth of plaintiff No.01 is Jamil Khan and **30.09.2011** respectively, according to his school record and birth certificate, while it has been wrongly mentioned as Syed Jamil and 25.10.2000 by the defendants in their record. That the correct name and date of birth of

Sami Ullah 26.05.2023
Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)

plaintiff No.02 is Abid Ullah and **30.09.2012** respectively, according to his school record and birth certificate, while it has been wrongly mentioned as Aweed Ullah and 25.10.2003 by the defendants in their record. That the correct date of birth of plaintiff No.03 is **01.07.2014** according to his school record and birth certificate, while it has been wrongly mentioned as 25.11.2006 by the defendants in their record. That the correct date of birth of plaintiff No.04 is **03.11.2015** according to his school record and birth certificate, while it has been wrongly mentioned as 01.01.2015 by the defendants in their record. That all the plaintiffs are siblings. That the defendants were repeatedly asked to correct the date of birth of plaintiffs but they refused, hence, the instant suit.

2. Defendants were summoned, who appeared through their representative namely Mr. Irfan Hussain, who submitted written statement.

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 very petty in nature, which can be decided through summary judgement as per relevant 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-*

Sami Ullah 26.05.2023
Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)

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."*

4. Learned counsel for plaintiff and representative of Nadra heard and record gone through.

5. Record reveals that plaintiffs through instant suit are seeking correction of their date of births as mentioned in the brief facts above which they contended that the defendants have mentioned wrongly in their record.

6. The plaintiffs produced three witnesses in their favour. The essence of the statement of PWs which helped in deciding the case is as under.

7. Mst. Khadija Bibi appeared as PW-01 and recorded in her statement that the plaintiffs are her children. The said PW reproduced the contents of plaint in her examination in chief. The said PW made admission in her cross examination which are inconsistent with the contents of plaint. She also admitted that plaintiff No.01 and her other son namely Wahid Ullah are twins by birth. It is pertinent to mention here that the date of birth of both the above mentioned sons of PW-01 is 25.10.2000 according to Nadra record, however, correction to extent of date of birth of plaintiff No.01 is sought in the instant suit.

Sami Ullah
Civil Judge/JM-I
Lalai at (Babar Mela)

8. Rasool Badshah and Wahid Ullah appeared as PW-02 and PW-03 respectively and recorded in their statements in favour of the plaintiffs.

9. Representative of Nadra Mr. Irfan Hussain appeared as DW-01. He placed his reliance mainly on family tree of the plaintiffs which is Ex. DW-1/1, issued by defendants. The said DW recorded in his statement that the mother of the plaintiffs had applied for form-B of plaintiff No. 01 on 08.03.2012 in which 25.10.2000 was mentioned as date of birth of plaintiff No. 01. Similarly, forth son of PW-01 according to record of defendants and admission made by PW-01 in her statement is twin by birth with plaintiff No. 01. It is pertinent to mention here that correction in date of birth of the forth son namely Wahid Ullah is not sought in the present suit. Resultantly, it cannot not be correct as sought for to the extent of plaintiff No.01 only. As for as correction of name of plaintiff No. 01 is concerned, the PWs in their statements said that the same is Jamil Khan instead of Syed Jamil. Thus, keeping in view the said statements of PWs and exhibited documents i.e. Ex.PW-1/1 & Ex.PW-1/2, the same is liable to correction.

Sami Ullah
Civil Judge/JM-I
akzai at (Babar Mela)

10. DW-01 also recorded in his statement that processing form which is Ex. DW-1/2 was processed for form-B of plaintiff No.02 on 08.03.2012. It is pertinent to mention here that the date of birth of plaintiff No.02 sought in the instant suit is

30.09.2012, which is not appealing to the prudent mind that if correct date of birth of plaintiff No.02 is 30.09.2012, then how can his form-B was processed before his birth. Therefore, the same is not liable to correction as prayed for. Moreover, as for as the correction in name of plaintiff No.02 is concerned, which they want to correct from Awid Ullah to Abid Ullah, the same cannot be allowed for the reasons mentioned hereinafter. According to Nadra record both Awid Ullah and Abid Ullah are registered as sons of PW-01 and according to SOPs of Nadra, there is a distinct procedure provided for correction of the same, which the plaintiffs need to follow.

11. Similarly, correct date of birth of plaintiff No.03 is sought as 01.07.2014, however, according to Ex. DW-1/2, form-B was processed for plaintiff No. 03 on 08.03.2012. The same is also not appealing to the prudent mind that if correct date of birth of plaintiff No.03 is 01.07.2014, then how can her form-B was processed before her birth.

12. As far as correction in date of birth of plaintiff No.04 is concerned, the same is liable to correction. Reliance is placed on the documents Exhibited i.e. Ex.PW-1/7 and Ex.PW-1/8 and on statements of the plaintiff's witnesses.

Sami Ullah
Civil Judge/JM-I
Takzai at (Babar Mela)

13. Hence, for what is discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, the suit of the plaintiffs is partially decreed to the extent of

correction of name of plaintiff No.01 and correction of date of birth of plaintiff No.04 only. Defendants are directed to correct name of plaintiff No.01 as **Jamil Khan** instead of Syed Jamil and to correct the date of birth of the plaintiff No.04 as **03.11.2015** instead of 01.01.2015.

14. Parties are left to bear their own costs.

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

Announced
26.05.2023

Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela)

CERTIFICATE

Certified that this judgment of mine consists of **06** (Six) pages, each has been checked, corrected where necessary and signed by me.

Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela)