

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

Civil Suit No. 56/1 of 2022
Date of Institution: 09/12/2022
Date of Decision: 20/01/2023

.....

Asad Ali S/o Munsib Ali
R/O Qoam Bar Muhammad Khel, Tappa Khawaided Khel, Village Panzardy P/O
Kalaya, Tehsil Lower, District Orakzai.
.....(Plaintiff)

VERSUS

Board of Intermediate and Secondary Education, Kohat through Chairman.
..... (Defendant)

**SUIT FOR DECLARATION CUM PERPETUAL AND
MANDATORY INJUNCTION**

SUMMARY JUDGEMENT:
20.01.2023

1. Brief facts of the case in hand are that the plaintiff namely **Asad Ali**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that the correct name of his father is **Munsib Ali** according to the CNIC of his father, mother and in CNIC and academic record of his brother, whereas, it has been wrongly mentioned as **Munsif Ali** by the defendant in his record i.e., Matric DMC and Intermediate DMC. And that the correct date of birth of the plaintiff is **05.05.2002**, whereas, defendant has wrongly

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entered the same as 17.07.2001 in his Academic documents (Secondary School Certificate Examination and Higher Secondary School Certificate Examination). That as date of birth of brother of plaintiff is 05.06.2001, there is un-natural gap of 01 month and 12 days in age between plaintiff and his brother namely Sair Ali. That the defendant was repeatedly asked to correct the name of father and date of birth of the plaintiff but was refused, hence, the instant suit.

2. Defendant was summoned, who appeared through their legal advisor namely Shaheen Muhammad advocate, 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 petty in nature, which can be decided through summary judgement on the basis of 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-

- 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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4. Learned counsel for plaintiff and legal advisor for defendant heard and record gone through.
5. Record reveals that plaintiff through instant suit is seeking correction of his father's name and his date of birth to the effect that the same are **Munsib Ali** and **05.05.2002**, while it has been wrongly mentioned as Munsif Ali and 17.07.2001 by the defendant in their record.
6. The plaintiff and defendant were directed to produce their entire evidence on the date fixed.
7. The plaintiff himself recorded his statement and testified that his correct father's name and his date of birth are **Munsib Ali** and **05.05.2002**. Plaintiff recorded his statement as PW-01 that his correct father's name is **Munsib Ali** and it has been correctly mentioned in Nadra record of his father, mother's CNIC and in CNIC and academic record of his brother as **Munsib Ali**. He further stated that his correct date of birth is **05.05.2002** while it has been wrongly mentioned in the record of defendant as 17.07.2001 therefore, there is un-natural gap in age of 1 month and 12 days between plaintiff and his brother. Copy of his father, mother, brother CNIC, DMC of his brother and plaintiff's DMC are Ex.PW1/1 to Ex.PW1/5.
8. Legal advisor of Kohat Board appeared as DW-01. He admitted the stance of the plaintiff in his cross examination. Hence, in these circumstances, the said documents are

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admissible and reliance is placed on it and are sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff.


9. Consequently, upon what is 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 correct the father's name and date of birth of the plaintiff as **Munsib Ali** and **05.05.2002** in his record.
10. Parties are left to bear their own costs.
11. File be consigned to the record room after its necessary completion and compilation.

Announced
20.01.2023


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CERTIFICATE

Certified that this judgment of mine consists of **04** (Four) pages, each has been checked, corrected where necessary and signed by me.


Sami Ullah
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Orakzai (at Baber Mela)