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IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 111/1 of 2022
Date of Institution: 13/12/2022
Date of Decision: 27/01/2023

Rasool Khan s/o Dilbaz

R/O Qoum Mamozai, Tappa Aado Khel, Nasir Nawasi, Tehsil Upper, District Orakzai.

(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Director, NADRA, District Orakzai.**

(Defendants)

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

SUMMARY JUDGEMENT:

27.01.2023

1. Brief facts of the case in hand are that the plaintiff, **Rasool Khan** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct name of his father is **Dilbaz** and his correct address is Qoum Mamozai, while it has been wrongly mentioned as Dilbaz Khan R/O Qoum Khadizai in his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the father name of the plaintiff is correctly mentioned as Dilbaz in the CNIC of Muhammad Sharif (brother of the plaintiff). That the defendants were

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repeatedly asked to correct the date of birth and address of the plaintiff 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-

- 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 defendants heard and record gone through.

4. Record reveals that plaintiff through instant suit seeking declaration therein that correct name of his father is **Dilbaz** and his correct address is Qoum **Mamozai**, while it has been wrongly mentioned as Dilbaz Khan R/O Qoum Khadizai in

his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced CNICs of his brothers namely Muhammad Sharif, Syed Jan and Isla Jan wherein their father's name is mentioned as Dilbaz R/O Qoum Mamozai. So, the CNICs of the brothers of the plaintiff clearly negate the incorporation of his father's name and address as Dilbaz Khan R/O Qoum Khadizai in his CNIC. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of his stance, which establishes that the father's name and address of the plaintiff has wrongly been mentioned in his CNIC that is against the facts and circumstances. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.

5. 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 with costs. Defendants are directed to correct father's name and address of the plaintiff as **Dilbaz R/O Qoum Mamozai** in their record and in the CNIC of the plaintiff.

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

Announced

27.01.2023



(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

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



(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)