

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

Civil Suit No. : 104/1 of 2022
 Date of Institution : 19.11.2022
 Date of Decision : 30.03.2023

Mst. Bibi Shah Jihan w/o Syed Sajid Hussain R/O Qoum Bar Muhammad Khel, Tappa Baba Nawasi, Tehsil Lower, District Orakzai.
 (Plaintiff)

VERSUS

1. Board of Intermediate and Secondary Education, Kohat.
 2. Allama Iqbal Open University, Islamabad.
- (Defendants)

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

SUMMARY JUDGEMENT:
30.03.2023

1. Brief facts of the case in hand are that the plaintiff, **Mst. Bibi Shah Jihan** has brought the instant suit for declaration-cum-perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that her correct name is **Mst. Bibi Shah Jihan** according to CNIC and Passport, while it has been wrongly mentioned as Mst. Shah Jahan in her Matric DMC & Certificate, F.SC DMC and B.A DMC by the defendants. That correct spelling of the plaintiff's name is Shah Jihan while the same has wrongly been mentioned as Shah Jahan instead of **Shah Jihan**, which is wrong, ineffective upon the rights of the plaintiff and

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liable to correction. That the defendants were repeatedly asked to correct the name of the plaintiff but they refused, hence, the instant suit.

2. Defendants were summoned in whom the defendant No. 01 appeared through its legal advisor namely Mr. Shaheen Muhammad advocate and submitted written statement wherein, he raised various legal and factual objections while the defendant No. 02 remained absent despite service, hence, placed and proceeded ex-parte.
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 matter 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 defendant No. 01 heard and record gone through.

4. Record reveals that plaintiff through instant suit seeking declaration therein that her correct name is **Mst. Bibi Shah Jihan** according to CNIC and Passport, while it has been wrongly mentioned as Mst. Shah Jahan in her Matric DMC & Certificate, F.SC DMC and B.A DMC by the defendants. That correct spelling of the plaintiff's name is Shah Jihan while the same has wrongly been mentioned as Shah Jahan instead of **Shah Jihan**, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention produced the attested copies of her CNIC and Passport, wherein the name of the plaintiff has been mentioned as **Mst. Bibi Shah Jihan**. So, these documents clearly negate the incorporation of her name as Mst. Bibi Shah Jahan in her educational documents. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of her stance. 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 the name of plaintiff with correct spelling as **Mst. Bibi Shah Jihan** in their record and in the educational documents of the plaintiff.

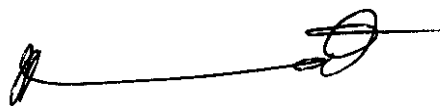
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5. File be consigned to the record room after its necessary completion and compilation.

Announced

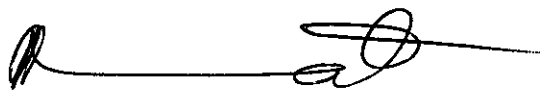
30.03.2023



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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.



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