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**IN THE COURT OF FARMAN ULLAH,**  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 331/1 of 2020  
Date of Institution: 16/09/2020  
Date of Decision: 06/01/2021

- 1. Syed Muhammad Hasnain s/o Baseer Hussain**
- 2. Syed Mutahir Hussain s/o Baseer Hussain**
- 3. Syed Tasveer Hussain s/o Baseer Hussain**

Section Bar Muhammad Khel, Sub section Baba Nawasi, PO Kurez, Tehsil Lower &  
District Orakzai..... (Plaintiffs)

VERSUS

- 1. Government High School Sara Mela Tehsil Lower, District Orakzai**
- 2. Board of Intermediate & Secondary School Education Kohat.**

(Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**SUMMARY JUDGEMENT:**

**06.01.2021**

1. Plaintiff, **Muhammad Hasnain, Syed Mutahir Hussain and Syed Tasveer Hussain** sons of **Baseer Hussain** have brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that their correct father's name is **Baseer Hussain**, while it has been wrongly mentioned as **Syed Basweer Hussain** in their Academic record by the defendants, which is against the facts and circumstances. Hence, the instant suit.
2. Defendants were summoned, defendant No.1 appeared once on 24.09.2020 and was directed to submit written statement but nor

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he submitted written statement and neither appeared before the court, therefore, he was proceeded ex-parte.

3. Defendant No.2 appeared through legal advisor namely **Noor Awaz Advocate**, and submitted his written statement.
4. During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involve in the instant case is very petty in nature, which can be decided through summary judgement as per relevant record and to this effect notice was given to the parties that why not case in hand be decided on the basis of available record without recording pro and contra 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 plaintiffs and legal representative for defendant No.2 heard and record gone through.

5. Record reveals that plaintiffs through instant suit are seeking correction of their father's name to the effect that correct name of their father is **Baseer Hussain** but defendants have wrongly mentioned the same as **Syed Basweer Hussain**.

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Plaintiffs in support of their contention produced their parents CNICs, CNIC of plaintiff No.1 and Form-B of plaintiffs No.2 and 3, wherein, father's name of the plaintiffs has been mentioned as **Baseer Hussain**. This fact alone establishes that incorporation of father's name in the record of defendants is contrary to the facts and correct name of father of plaintiffs is Baseer Hussain instead of Basweer Hussain.

6. Further, there is no counter document available with the defendants to rebut the said documents. Moreover, the NADRA record produced by plaintiffs is admissible and reliance is placed on it. These facts are sufficient to decide the fate of case without recording pro and contra evidence.

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 plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct the father's name of plaintiffs as **Baseer Hussain** in their record.

7. Parties are left to bear their own costs.
8. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
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**CERTIFICATE**

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

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**Farman Ullah**  
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Orakzai at Baber Mela.