

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

Civil Suit No. 357/1 of 2020
Date of Institution: 23/11/2020
Date of Decision: 29/01/2021

(23)

Shafiq Ali s/o Sher Afzal Khan

Caste Bar Muhammad Khel, Tappa Merazi Khel, PO Kurez, Tehsil lower Orakzai &
District Orakzai..... (Plaintiff)

VERSUS

1. **Assistant Director NADRA, District Orakzai.**
2. **Assistant Director NADRA, Islamabad.**

(Defendants)

SUIT FOR DECLARATION

SUMMARY JUDGEMENT:

29.01.2021

1. Brief facts of the case in hand are that plaintiff filed instant suit by seeking declaration to the effect that his correct name is "Shafiq Ali" which has been correctly recorded in his school record as well as in his Domicile but the same has been erroneously recorded by defendants in his CNIC as "Shafiq Khan". Hence, liable to be corrected. That defendants were repeatedly asked to correct the name of plaintiff in his CNIC but they refused. Hence, the instant suit.

Defendants were summoned, who appeared through attorney namely **Syed Farhat Abbas**, and submitted their written statement, wherein, they objected the suit of plaintiff on various grounds and submitted that the name of plaintiff has been

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changed from Shafiq Ali to Shafiq Khan on the request of plaintiff. (24)

3. During Discovery management and 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-

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*

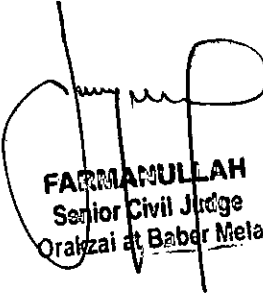
d. *Enforce compliance with provisions of this Code."*

Learned counsel for plaintiff and representative for defendants heard and record gone through.

4. From the perusal of the record it is evident that smart card was issued to the plaintiff by defendants on 20.08.2015, wherein, his name was recorded as Shafiq Ali but later on, plaintiff requested for the change of his name from Shafiq Ali to Shafiq Khan and to this effect he also submitted affidavit to the defendants by

stating therein, that he has changed his name from Shafiq Ali to Shafiq Khan. On such a request the name of plaintiff was changed from Shafiq Ali to Shafiq Khan by issuing CNIC to the plaintiff on 18.03.2020, plaintiff through instant suit has challenged the same entry. (25)

5. So, from the available record it is evident that recording of name of plaintiff in his CNIC is not result of any error on the part of defendants rather the same has been recorded by the defendants on the request of plaintiff. In other words, plaintiff himself has changed his name from Shafiq Ali to Shafiq Khan. Hence, the contention of plaintiff that his name was inadvertently and erroneously recorded by defendants as Shafiq Khan instead of Shafiq Ali is not based on the solid footing. Though, the name of plaintiff in his school leaving certificate and Domicile has been mentioned as Shafiq Ali but on the perusal of both these documents it is evident that the school leaving certificate was issued on 03.08.2014 and Domicile on 06.03.2019 while plaintiff has changed his name from Shafiq Ali to Shafiq Khan in year, 2020. Hence, these documents are of no worth to support the claim of plaintiff rather after changing his name in CNIC, plaintiff was required to correct his name in School record as well as in Domicile. As plaintiff himself has changed his name from Shafiq Ali to Shafiq Khan hence, he is


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also precluded under principle of estoppel to file instant suit for correction of his name in his CNIC.

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6. The available record is sufficient to decide the fate of case in hand and no useful purpose would be served to record evidence in instant case. So, in view of available record the suit of plaintiff is hereby dismissed. No order as cost.
7. File be consigned to record room after necessary completion and compilation.

Announced
29/01/2021


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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.


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.