

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

Civil Suit No. 07/1 of 2021
Date of Institution: 16/01/2021
Date of Decision: 17/03/2021

Sakhi Marjan w/o Dedan Gul

Section Ali Khel, Tapa: Emal Khan Khel, Ghotak Khadi Zai, PO Ghiljo, Tehsil Upper & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

SUIT FOR DECLARATION PERMANENT & MANDATORY INJUNCTION


SUMMARY JUDGEMENT:

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1. Plaintiff, **Sakhi Marjan w/o Dedan Gul**, has brought the instant suit for declaration-cum-permanent & mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that her husband correct name is **Dedan Gul** but defendants have wrongly mentioned the same as **Nek Muhammad** in her CNIC, which is against the facts and circumstances. That defendants were repeatedly asked to correct the same but they refused, hence, instant suit.

2. Defendants were summoned, who appeared through attorney namely **Syed Farhat Abbas**, and submitted their written statement.

3. During the discovery management and scheduling conference within the meaning of order IX-A of CPC, it was revealed that


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Senior Civil Judge
Orakzai at Baber Mela

the matter involves in the instant case is very petty in nature, which can be decided through summary judgement as per available 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 plaintiff and representative for defendants heard and record gone through.

Record reveals that plaintiff through instant suit is seeking correction of her husband name in CNIC by contending that her husband correct name is Dedan Gul but defendants have wrongly mentioned the same as **Nek Muhammad**. Plaintiff in support of her contention has annexed CNICs of her three sons namely Naseeb Gul, Ghani Gul and Rashmeen Gul. The perusal of CNICs of sons of plaintiff reveal that the name of their father has been mentioned as Dedan Gul. Moreover, defendants have also annexed the card tracking system of Dedan Gul, wherein, the name of Sakhi Marjan (Plaintiff) has been recorded as the wife of Dedan Gul. Further, in family tree of plaintiff produced

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by the defendant also shows the name of husband of plaintiff and father of her children as Dedan Gul. So, the available record, which is admitted by both the parties and is sufficient to decide the fate of a case without recording pro and contra evidence of the parties, clearly establishes that the name of husband of plaintiff is Dedan Gul but inadvertently the same has been recorded in her CNIC as Nek Muhammad.

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. Defendants are directed to correct the husband name of plaintiff as **Dedan Gul** in their record and in her CNIC.
6. Parties are left to bear their own costs.

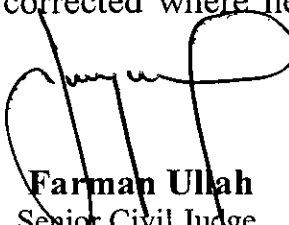
File be consigned to the record room after its necessary completion and compilation.

Announced
17/03/2021

CERTIFICATE

Certified that this judgment of mine consists of **03** (three) pages including this page, each has been checked, corrected where necessary and signed by me.


Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.
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