

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

Civil Suit No. 09/1 of 2021
Date of Institution: 30/01/2021
Date of Decision: 01/04/2021

Muhammad Jawad s/o Siar Ali

Section Bar Muhammad Khel, Sub section Tirai, Tehsil Lower & District Orakzai.....
(Plaintiff)

VERSUS

1. Government High School Sarobi Garhi Tehsil Lower, District Orakzai
2. Board of Intermediate & Secondary School Education Kohat.

(Defendants)

**SUIT FOR DECLARATION, PERMANENT AND MANDATORY
INJUNCTION**

SUMMARY JUDGEMENT:

01.04.2021

1. Plaintiff, **Muhammad Jawad s/o Siar Ali** has brought the instant suit for declaration permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his father correct name is **Siar Ali**, while it has been wrongly mentioned as **Sahar Ali** by defendants in their record, which is against the facts and circumstances. That defendants were repeatedly asked to correct the father name of plaintiff in their record but they refused. Hence, the instant suit.
Defendants were summoned, on which defendant No.1 appeared and contested the suit by filing his written statement.
3. Defendant No.2 appeared before the court on 10-02-2021 but thereafter did not turn up the court and thus proceeded ex-parte on 27-02-2021.

4. During discovery management conference within the meaning of order IX-A of CPC, it was revealed that 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 legal representative for defendant

No.1 heard and record gone through.

Record reveals that plaintiff through instant suit is seeking correction of his father's name to the effect that correct name of his father is **Siar Ali** but defendants have wrongly mentioned the same as **Sahar Ali**. Plaintiff in support of his contention produced his father CNIC, death certificate of his father and Form-B of plaintiff and his brothers and sisters. The perusal of CNIC of father of plaintiff and form-B reflects that the father name of plaintiff in all these documents has been recorded as **Siar Ali**. So all these documents establish that correct

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name of father of plaintiff is Siar Ali and recorded his name is Sahar Ali appears to be clerical mistake.

6. Further, there is no counter document available with the defendants to rebut the said documents. Moreover, the NADRA record produced by plaintiff 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 plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the father's name of plaintiff as **Siar Ali** 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
01/04/2021

CERTIFICATE


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

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.
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mel.