

**IN THE COURT OF SAMI ULLAH,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA**

Civil Suit No. 33/1 of 2023
Date of Institution: 03/06/2023
Date of Decision: 28/09/2023

Tahir Ali S/O Iman Ali
R/O Qoam Bar Muhammad Khel, Tappa Khawaidad Khel, Tehsil Lower, District Orakzai.

.....(Plaintiff)

VERSUS

1. **Chairman Board of Intermediate and Secondary Education, Kohat.**
2. **Controller Examination, Kohat Board**

..... (Defendants)

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

**SUMMARY JUDGEMENT:
28.09.2023**

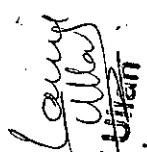
1. Brief facts of the case in hand are that the plaintiff, **Tahir Ali**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that the correct name of his father is **Iman Ali** according to the CNIC of plaintiff, while it has been wrongly mentioned as Ihsan Ali by defendants in their record i.e. in Secondary School Certificate Examination and FSC DMC. That the defendants were repeatedly asked to correct the name of father of plaintiff but they refused, hence, the instant suit.

Samy
Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)

2. Defendants were summoned, who appeared through their legal advisor namely Shaheen Muhammad advocate, who submitted written statement.
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 case 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."*
4. Learned counsel for plaintiff and legal advisor for defendants heard and record gone through.
5. Record reveals that plaintiff through instant suit is seeking correction of his father's name to the effect that the same is **Iman Ali**, while it has been wrongly mentioned as Ihsan Ali by the defendants in their record. The plaintiff and defendants were directed to produce their entire evidence on the date fixed.
6. The plaintiff produced two witnesses in his favour who recorded their statement and testified that the correct father's name of the plaintiff is **Iman Ali**.

Sami Ullah
Civil Judge/JM-I
Orakzaiat (Babar Meela)


7. PW-01 namely Zahid Ali (brother & attorney of plaintiff) said in his statement that the correct father's name of the plaintiff is **Iman Ali** and it has been correctly mentioned in CNIC of the plaintiff as **Iman Ali**. Whereas it has been wrongly mentioned in the record of the defendants (Secondary School Certificate Examination and FSC DMC). Special Power of attorney, copy of his CNIC, copy of Secondary School Certificate Examination, copy of CNIC of plaintiff, copy of his father CNIC, copy of CNIC of his brother (namely Mokaram Khan) and copy of CNIC of his mother are Ex.PW-1/1 to Ex.PW-1/7.
8. PW-02 namely Ijaz Ali stated in his statement that plaintiff is his neighbor and correct fathers' name of the plaintiff is **Iman Ali**. While defendants have wrongly mentioned in their record as Ihsan Ali. Copy of his CNIC is Ex.PW-2/1.
9. Legal advisor of Kohat Board appeared as DW-01. He placed his reliance on the documents issued by Board of Intermediate and Secondary Education, Kohat.
10. Hence, in these circumstances, the evidence recorded by the PWs and documents produced by the plaintiff are admissible and reliance is placed on it and are sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff.
11. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of


 Sami Ullah
 Civil Judge/JM-I
 Orakzai (Sabar Mela)

CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the father's name of the plaintiff as **Iman Ali** in their record.


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

Announced
28.09.2023


Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela)

CERTIFICATE

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


Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela)