

28

**IN THE COURT OF REHMAT ULLAH WAZIR,**  
CIVIL JUDGE-I, CAMP COURT, KALAYA, ORAKZAI

Civil Suit No. 28/1 of 2021  
Date of Institution: 10/02/2021  
Date of Decision: 09/07/2021

**Lal Begum W/O Khadim Hussain**  
R/O village Kurez, Tehsil Lower, District Orakzai.

(Plaintiff)

**VERSUS**

**Assistant Director, NADRA District Orakzai.**


(Defendant)

**SUIT FOR DECLARATION**

**SUMMARY JUDGEMENT:**

**09.07.2021**


1. Brief facts of the case in hand are that the plaintiff, **Lal Begum**, has brought the instant suit for declaration against the defendant, referred hereinabove, seeking declaration therein that the correct name of her father is **Mir Hassan** according to Death certificate of her father and her brother's CNIC, while it has been wrongly mentioned as Lal Hussain in her FRC by the defendant, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendant was repeatedly asked to correct the father name of a plaintiff but they refused, hence, the instant suit.

  
REHMAT ULLAH WAZIR  
CIVIL JUDGE/JM-1  
CAMP COURT  
KALAYA ORAKZAI

2. Defendant was summoned, who appeared through their representative namely Syed Farhat Abbas, 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."

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

Record reveals that plaintiff through instant suit is seeking correction of her father's name to the effect that the correct name of her father is **Mir Hassan** according to her father's Death certificate and her brother's CNIC, while it has been wrongly mentioned as Lal Hussain in her FRC by the defendant, which is wrong, ineffective upon the rights of the

  
REHMAT ULLAH WAZIR  
CIVIL JUDGE/JM-1  
CAMP COURT  
KALAYA ORAKZAI

30

plaintiff and liable to correction. Plaintiff in support of her contention produced the copies of her brother's CNIC and Death Certificate of her father wherein the name of her father has been mentioned as **Mir Hassan**. So, the CNIC of her brother and Death Certificate of her father, clearly negate the incorporation of her father's name as Lal Hussain in in her FRC. Further, there is no countered document available with the defendant to rebut the documents produced by the plaintiff in support of her stance. Hence, in these circumstances, the said documents are admissible and reliance is placed on it and is 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.

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 father's name of plaintiff as **Mir Hassan** in their record and in the FRC of the plaintiff.

6. Parties are left to bear their own costs.

  
REHMAT ULLAH WAZIR  
CIVIL JUDGE/JM-1  
CAMP COURT  
KALAYARAKZAI

31

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

**Announced**  
09.07.2021



**(Rehmat Ullah Wazir)**  
Civil Judge-I,  
Camp Court, Kalaya, Orakzai

REHMAT ULLAH WAZIR  
CIVIL JUDGE/JM-1  
CAMP COURT  
KALAYA ORAKZAI

**CERTIFICATE**

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



**(Rehmat Ullah Wazir)**  
Civil Judge-I,  
Camp Court, Kalaya, Orakzai

REHMAT ULLAH WAZIR  
CIVIL JUDGE/JM-1  
CAMP COURT  
KALAYA ORAKZAI