

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

Civil Suit No. 16/1 of 2021
Date of Institution: 20/02/2021
Date of Decision: 25/05/2021

(29)

1. **Din Akbar**
2. **Sial Akbar Ss/o Kochay**

Resident of Caste Ali Khel Tappa Sher Khel, PO Ghiljo, Tehsil Upper District Orakzai..... (Plaintiffs)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

(Defendants)

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

SUMMARY JUDGEMENT:

25.05.2021

1. Plaintiffs, **Din Akbar and Sial Akbar Ss/o Kochay**, have brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration, therein, that the correct name of father of the plaintiff No.1 and Plaintiff No.2 is **Kochay**, while it has been wrongly mentioned as Khwaja Akbar in CNIC of plaintiff No.1 and Koch Akbar in CNIC of plaintiff No.2 by the defendants, which is against the facts and circumstances. That defendants were repeatedly asked to correct the same but they refused Hence, the instant suit.
2. Defendants were summoned, who appeared through attorney namely **Syed Farhat Abbas**, and submitted their written statement.

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

(30)

3. During the 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-*

- 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."*

During the scheduling conference, representative for defendants was directed to produce the family tree of plaintiff which he produced today.

4. Learned counsel for the plaintiffs and representative for defendants heard and record gone through.

5. Record reveals that plaintiffs through instant suit are seeking correction of their father name to the effect that correct name of the father of plaintiffs is Kochay but defendants have wrongly mentioned the father name of plaintiff No. 1 as Koch Akbar while of plaintiff No. 2 as Khawaja Akbar in their CNICs. Plaintiff in support of their contention produced the manual ID card of

25.5.21

(31)

plaintiff No. 2. The perusal of which depicts that father name of plaintiff No. 2 has been recorded as Kochay. Similarly, plaintiffs also produced manual ID card of their father and the perusal of which also reflects the father name of plaintiff as Kochay. So, the available record establishes that name of father of plaintiffs is Kochay rather than Khawaja Akbar and Koch Akbar.

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 name of the father of plaintiffs as Kochay in their record.

6. Parties are left to bear their own costs.

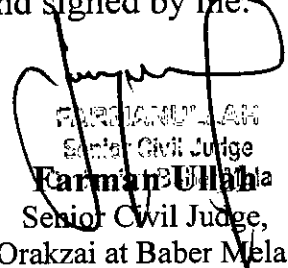
7. File be consigned to the record room after its necessary completion and compilation.

Announced
25/05/2021


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

CERTIFICATE

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


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