

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

Civil Suit No. 50/1 of 2023
Date of Institution: 22/09/2023
Date of Decision: 30/10/2023

Door Marjan S/O Ali Majan
R/O Qoam Bar Muhammad Khel, Tappa Teraie, Tehsil Lower, District Orakzai,
presently Speena Wari District Kohat.

.....(Plaintiff)

VERSUS

Assistant Director Nadra, District Orakzai.

..... (Defendant)

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

SUMMARY JUDGEMENT:
30.10.2023

1. Brief facts of the case in hand are that the plaintiff, **Door Marjan** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that his correct name is **Door Marjan**, according to his Old CNIC, Service Card and School record while defendant has been wrongly mentioned his name as Haider Abbas in his new CNIC, which is liable to correction. That the defendant was repeatedly asked to correct the name of plaintiff but they refused, hence, the instant suit.

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2. Defendant was summoned, who appeared through his representative namely Mr. Irfan Hussain, 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. The plaintiff produced two witnesses in his favour who recorded their statements and testified that the correct name of the plaintiff is **Door Marjan**.

5. PW-01 namely Zaidan Ali (attorney of plaintiff), whose power of attorney is Ex.PW-1/1, recorded in his statement that the plaintiff is serving in FC, in this respect he produced service card of plaintiff which is Ex.PW-1/2. According to his Service Card the name of the plaintiff is **Door Marjan**. He further stated that according to old CNIC and educational documents of the plaintiff, his correct name is **Door Marjan**, which are Ex.PW-1/3 and

*Lawyer
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Ex.PW-1/4. He also produced School leaving certificate which is Ex.PW-1/5, and according to this document the correct name of the plaintiff is **Door Marjan**. He further stated that after issuance of new CNIC by defendant on 25.07.2023, the name of the plaintiff was changed to Haider Abbas. The new CNIC of the plaintiff and copy of CNIC of PW-01 are Ex.PW-1/6 and Ex.PW-1/7. The said PW admitted in his cross examination that the plaintiff himself changed his name in Nadra Record due to some superstitions.

6. PW-02 namely Bahar Ali said in his statement that plaintiff is his relative and correct name of plaintiff is **Door Marjan** while defendant has wrongly entered the same as Haider Abbas. He further stated that correct name of the plaintiff is mentioned in his documents i.e. School Certificate, Service Book and DMC etc as **Door Marjan**, while defendant has wrongly entered the same in their record as Haider Abbas. Copy of his CNIC is Ex.PW-2/1. Nothing incriminating was recorded in his cross examination.

7. Representative of NADRA appeared as DW-01. He produced CNIC Processing form of plaintiff which is Ex. DW-1/1 and an affidavit which is Ex. DW-1/2, by which the plaintiff has changed his name to Haider Abbas on 04.07.2023 in NADRA Record. He further stated that according to Nadra SOPs only one time change in CNIC is possible. Nothing incriminating was recorded in his cross examination.

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8. 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.

9. Learned counsel for plaintiff and legal advisor for defendant heard and record gone through.

10. Record reveals that plaintiff through instant suit is seeking correction of his name as **Door Marjan** in his Nadra Record which has been wrongly mentioned in his new CNIC. The evidence produced by the plaintiff in shape of exhibited documents and statements of the PWs established that his correct name is **Door Marjan**. Although, the incriminating evidence against the stance of the plaintiff in shape of affidavit for name change submitted to Nadra which is Ex. DW-1/2 and admission of PW-01 in his cross examination, is placed on file. But on the other hand, documents in shape of School Certificate, Service Book, DMC and old CNIC reveals that the correct name of the plaintiff is **Door Marjan**. Thus, keeping in view preponderance of evidence in favour the plaintiff, the exhibited documents and statements of PWs establish the claim and contention 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

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CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendant is directed to correct the name of the plaintiff as **Door Marjan** 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
30.10.2023


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CERTIFICATE

Certified that this judgment of mine consists of **05** (Five) pages, each has been checked, corrected where necessary and signed by me.


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Orakzai (at Baber Mela)