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IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-I, ORAKZAI AT BABER MELA

Civil Suit No. 169/1 of 2021
Date of Institution 20.10.2021
Date of Decision: 20.12.2021

1. **Gul Ghamin s/o Chinar Khan**
R/O Qoum Mishti, Tappa Darwi Khel, Khwaja Khizar, Tehsil Central,
District Orakzai.
(Plaintiff)

VERSUS

2. **Chairman, NADRA, Islamabad.**
3. **Director, General NADRA Khyber Pakhtunkhwa, Peshawar.**
4. **Assistant Director, NADRA District Orakzai.**

(Defendants)

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

SUMMARY JUDGEMENT:
20.12.2021

1. Brief facts of the case in hand are that the plaintiff, **Gul Ghamin**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct name of his father is Chinar Khan, while it has been wrongly mentioned as Stori Gul in his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That defendants were repeatedly asked to correct the date of birth of plaintiff but they refused, hence, the instant suit.

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2. Defendants were 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."*

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Shahid Khan, brother of the plaintiff appeared as CW-1 and produced the copy of his CNIC which is Ex.CW-1/1 and according to this, correct name of his father is Chinar Khan and further stated that we are two brothers (He and the plaintiff) and 04 sisters. That the correct name of our father is Chinar Khan and that of our mother is Sarwar Jan.

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

4. Record reveals that plaintiff through instant suit seeking declaration therein that correct name of his father is Chinar Khan, while it has been wrongly mentioned as Stori Gul, in his CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced the copy of CNIC of his brother namely Shahid Khan, wherein the father name of the plaintiff has been mentioned as **Chinar Khan**. The brother of the plaintiff when appeared as CW-01, fully supported and endorsed the claim of the plaintiff. So, the statement of the one Shahid Khan, the brother of the plaintiff and the CNIC of the brother of the plaintiff clearly negates the incorporation of his father's name as Stori Gul in his CNIC. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of his stance, which establishes that the name of the father of the plaintiff has wrongly been mentioned in his CNIC that is against the facts and circumstances. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.

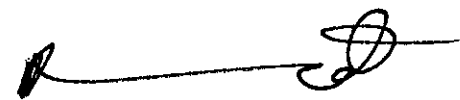
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby **decreed**

Retired High Court Judge (Civil) Govt. of Punjab (Retd.)
 Original at (Gurgaon, Haryana)

as prayed for. Defendants are directed to correct the father's name of the plaintiff as **Chinar Khan** in their record of the plaintiff.

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

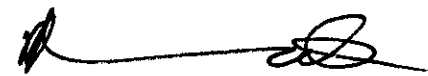
Announced
20.12.2021



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CERTIFICATE

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



(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai (at Baber Mela)