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Mustafa Iqbal vs, NADRA

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

Civil Suit No. 63/1 of 2021
Date of Institution: 28/10/2021
Date of Decision: 12/01/2022

Mustafa Iqbal S/o Muhammad Iqbal R/o Qoam Rabia Khel,
Samana, Ogda Pakha, Tehsil Ismail Zai, District Orakzai.....
(Plaintiff)

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:

12.01.2022

1. Plaintiff, **Mustafa Iqbal S/o Muhammad Iqbal**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration, therein, that the correct name of mother of the plaintiff is **Zarin Jana**, while it has been wrongly mentioned as **Zaram Jana** in Form B of plaintiff 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.
3. During the Discovery management, it was revealed that the matter involves 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 discovery management, representative for defendants produced the family tree of plaintiff.

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

Record reveals that plaintiff through instant suit is seeking correction of his mother name to the effect that correct name of his mother is Zarin Jana but defendants have wrongly mentioned the same as Zaram Jana in his Form "B". Plaintiff in support of his contention produced CNIC of his mother. The perusal of which depicts that name of mother has been recorded as Zarin Jana. Similarly, defendants produced the family tree of plaintiff, the perusal of which shows that the mother name of other brothers and sisters of plaintiff has been recorded as Zarin Jana, which further corroborates the stance of plaintiff. So the available record


FARMANULLAH
 Senior Civil Judge
 District Court, Bahawalpur
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establishes that the correct name of mother of the plaintiff is Zarin Jana but defendants have erroneously recorded the same as Zaram Jana instead of Zarin Jana.

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 mother as Zarin Jana 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
12/01/2022


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

CERTIFICATE

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


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