

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

Civil Suit No. 42/1 of 2021
Date of Institution: 12/07/2021
Date of Decision: 07/10/2021

1. Akbar Zaman s/o Gul Afzal

2. Afzal Khan s/o Gul Afzal

Resident of Qoam Mamozai, Tappa Sepy, PO Ghiljo, Gota Khel, Tehsil Upper 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:

07.10.2021

1. Plaintiff, **Akbar Zaman and Afzal Khan Ss/o Gul Afzal**, have brought the instant suit for declaration-cum-permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that the correct name of mother of the plaintiffs is **Gohara**, while it has been wrongly mentioned as **Ezat Meena** in CNIC of plaintiffs by the defendants, which is against the facts and circumstances. That **Ezat Meena** is the stepmother of the plaintiffs while **Gohara** is the real mother of the plaintiffs. That defendants were repeatedly asked to correct the same but they refused Hence, the instant suit.

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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."*

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During the discovery management, representative for defendants was directed to produce the family tree of plaintiffs 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 mother name by contending that the correct name of their real mother is Gohara but defendants have wrongly mentioned their mother name as Ezat Meena in

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their CNICs. Plaintiffs in support of their contention have annexed their CNICs and CNIC of Ezat Meena while defendants produced family tree of plaintiffs. The perusal of CNICs of plaintiffs and of Ezat Meena coupled with the family tree of the plaintiffs reflect that Gul Afzal is the father of plaintiffs while Ezat Meena and Gohara are wives of Gul Afzal. Meaning thereby that Ezat Meena and Gohara are the mothers of the plaintiffs. However, perusal of CNICs of plaintiffs and Ezat Meena coupled with the family tree manifest the date of birth of Ezat Meena as 01.01.1982 while the date of birth plaintiff No. 1 as 01-01-1988 and of plaintiff No. 2 as 01.01.1994. So, the difference between the age of Ezat Meena with Plaintiff No.1 is 06 years while with plaintiff No.2 is 12 years. Such difference in the age between children and their real mother is unnatural and this fact alone is sufficient to establish that Ezat Meena is not the real mother of the plaintiffs rather she is the stepmother of the plaintiffs while the real mother of the plaintiffs is Gohara.

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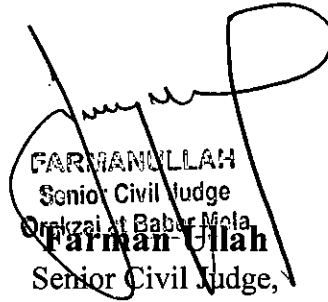
Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct the name of the mother of plaintiffs as Gohara in their record.

6. Parties are left to bear their own costs.

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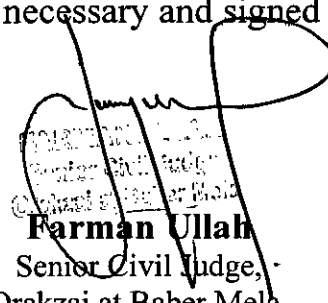
7. File be consigned to the record room after its necessary completion and compilation.

Announced
07/10/2021


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CERTIFICATE

Certified that this judgment of mine consisting of **04** (four) 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.