

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

Civil Suit No. 53/1 of 2023
 Date of Institution: 11/10/2023
 Date of Decision: 09/12/2023

1. **Khominaj Ali S/O Maseed Gul**
2. **Maseed Gul S/O Din Gul**

Both R/O Qoam Ali Khel, Tappa Merwas Khel, Tehsil Upper, District Orakzai.

.....(Plaintiffs)

VERSUS

1. **Government Primary School Gul Kana Kohi Kalay, Metakhan.**
2. **Government High School Chashma Metakhan.**
3. **Chairman Education Board, Kohat.**

..... (Defendants)

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

SUMMARY JUDGEMENT:

09.12.2023

1. Brief facts of the case in hand are that the plaintiffs have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that the correct name of father of plaintiff No.1 is **Maseed Gul** according to the NADRA record of plaintiff No.01, while it has been wrongly mentioned as Maset Gul by defendants in their record and which has been wrongly mentioned in detailed marks certificate issued by defendant No.3 in respect of plaintiffs. That the defendants were repeatedly asked to correct the name of father of plaintiff No.1 but they refused, hence, the instant suit.

Sami Ullah
 09.12.2023
 Civil Judge/JM-I
 Orakzai (Babar Mela)

2. Defendants were summoned, who appeared through their legal advisor namely Shaheen Muhammad advocate, who submitted written statement.

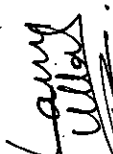
3. During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in the instant case is very petty in nature, which can be decided through summary judgement as per relevant record. To this effect notice was given to the parties that why not the case 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. Learned counsel for plaintiffs and legal advisor for defendants heard and record gone through.

5. Record reveals that plaintiffs through instant suit is seeking correction of father name of plaintiff No.1 in record of defendants, to the effect that the same is **Maseed Gul**, while it has been wrongly mentioned as Maseet Gul by the defendants in their record. The plaintiffs and defendants were directed to produce their entire evidence on the date fixed.

6. The plaintiffs produced two witnesses in their favour who recorded their statement and testified that the correct father's name of the plaintiff No.1 is **Maseed Gul**.


 Saad Ullah
 Civil Judge/JM-I
 Orakzai (Babar Mela)

7. PW-01 namely Zeenat Gul (Uncle & attorney of plaintiff No.1) said in his statement that the correct father name of the plaintiff No.01 is **Maseed Gul** and it has been correctly mentioned in Nadra record of the plaintiff No.01 as **Maseed Gul**. Whereas it has been wrongly mentioned as Maseet Gul in the record of the defendants i.e. Government Primary School Gul Kana Metakhan, Government High School Chashma Metakhan and Matric DMC of the plaintiff No.1 issued by Kohat Board. Special Power of attorney is Ex.PW-1/1 and other documents of plaintiff No.01 i.e. copy of CNIC of father (plaintiff No.02), copy of School leaving Certificate, copy of Form "B" of plaintiff No.1, copy of DMC and entry in Dakhil Kharij register are Ex.PW-1/2 to Ex.PW-1/7. Nothing incriminating has been recorded in cross examination of the said PW-01.


8. PW-02 namely Naik Taj Ali stated in his statement that plaintiffs are his relatives and correct fathers name of the plaintiff No.01 is **Maseed Gul**. While defendants have wrongly mentioned in their record as Maseet Gul. Copy of his CNIC is Ex.PW-2/1. Nothing incriminating has been recorded in cross examination of the said PW-02.

9. Legal advisor of Kohat Board appeared as DW-01. He placed his reliance on the documents issued by defendant No.01, 02 and Board of Intermediate and Secondary Education, Kohat. Furthermore, defendant No.01 & 02 also recorded their statement and stated that they have no objection if the suit of the plaintiffs is decreed or dismissed.

Lawyer
Sana Ullah
09/12/2023
Orakzai (Nabar Mela)


10. Hence, in these circumstances, the evidence recorded by the PWs and documents produced by the plaintiffs 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 plaintiffs. Moreover, CNIC of father of plaintiff No.1 and form "B" of plaintiff No.1 transpires that correct father name of plaintiff No.1 is **Maseed Gul**.
11. 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 father name of the plaintiff No.01 as **Maseed Gul** 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
09.12.2023


Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela)

CERTIFICATE

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


Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela)