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

Civil Suit No. 63/1 of 2023
Date of Institution: 27/11/2023
Date of Decision: 22/12/2023

Waris Khan S/O Latif Khan

R/O Qoam Mula Khel, Tappa Qutab Khel, Tehsil Upper, District Orakzai.

.....(Plaintiff)

VERSUS

1. Chairman Nadra, Islamabad.
2. Assistant Director Nadra, District Orakzai.

..... (Defendants)


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

SUMMARY JUDGEMENT:
22.12.2023

1. Brief facts of the case in hand are that the plaintiff, **Waris Khan**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that the correct name of his mother is **Khaista Bibi** according to the her CNIC, while it has been wrongly mentioned as Khaista Marjan by defendants in their record with respect to the plaintiff. That the defendants were repeatedly asked to correct the name of mother of plaintiff but they refused, hence, the instant suit.

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2. Defendants were summoned, who appeared through their 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. Learned counsel for plaintiff and representative for defendants heard and record gone through.
5. Record reveals that plaintiff through instant suit is seeking correction of his mother's name to the effect that the same is **Khaista Bibi**, while it has been wrongly mentioned as Khaista Marjan by the defendants in their record with respect to the plaintiff. The plaintiff and defendants were directed to produce their entire evidence on the date fixed.


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6. The plaintiff produced one witness and himself in his favour who recorded their statement and testified that the correct mother's name of the plaintiff is **Khaista Bibi**.
7. PW-01 namely Waris Khan (plaintiff) said in his statement that his correct mother name is **Khaista Bibi**. Whereas it has been wrongly mentioned in the record of the defendants as Khaista Marjan. He further stated that his mother name i.e. **Khaista Bibi** is correctly mentioned in his Birth Certificate and in CNIC and death certificate of his mother. Copy of CNIC of his mother. Copy of his birth certificate, Nadra Processing Form, Death Certificates of his father and mother are Ex.PW-1/1 to Ex.PW-1/5. Nothing incriminating was recorded during cross examination of the said PW-01.
8. PW-02 namely Rehman Ullah stated in his statement that plaintiff is his relative and correct mother's name of the plaintiff is **Khaista Bibi**. Copy of his CNIC is Ex.PW-2/1. Nothing incriminating was recorded during cross examination of the said PW-02.
9. Representative of NADRA appeared as DW-01. He exhibited authority letter as Ex.DW-1/1. He stated that according to Nadra SOPs, for correction of names of parents of an applicant, biometric verification is required from either of the parents or any sibling of the applicant. He further stated that parents of plaintiff had passed away and plaintiff have no siblings, therefore it is not possible as per SOPs of Nadra

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to issue processing form to the plaintiff. It is pertinent to mention here that when a process cannot be initiated within the parameters of SOPs of Nadra, the same can be directed by trial court after recording of evidence. DW-01 in his cross examination admitted that according to the SOPs of Nadra the correction of the names of the parents are possible. The said DW also admitted that as per SOPs death certificate of mother of the plaintiff and birth certificate of the plaintiff, the correct mother name of the plaintiff is **Khaista Bibi**.


10. 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.
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 plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct the mother's name of the plaintiff as **Khaista Bibi** 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
22.12.2023


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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.


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Orakzai (at Baber Mela)