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IN THE COURT OF REHMAT ULLAH WAZIR,
CIVIL JUDGE-I, CAMP COURT, KALAYA, ORAKZAI

Civil Suit No: 12/1 of 2022
Date of Institution: 28/01/2022
Date of Decision: 25/02/2022

Khalid Khan S/O Afzal Khan

R/O Qaum Utman Khel, Tappa Fatha Khan Khel, Miagano Kallay,
Tehsil Lower, 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:

25.02.2022

1. Brief facts of the case in hand are that the plaintiff, **Khalid Khan**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct name is **Khalid Khan**, correct father's name is **Afzal Khan** and correct date of birth is **11.02.1999** while defendants have wrongly mentioned his name as Khalid, father's name as Seen Afzal and date of birth as 01.01.1988 in their record by the defendants, which are 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. Defendants were

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summoned, who appeared through their representative namely Syed Farhat Abbas, who submitted written statement.

2. 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."

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

Handwritten signature
NEMAT ULLAH MAZIR
CIVIL JUDGE (S.M.)
COURT
KUALA KRAKUA

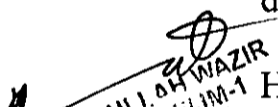
Accordingly, the record keeper of the GPS Melo Sar was summoned, who appeared and recorded his statement as CW-1, who produced Admission & Withdrawal Register which are exhibited as Ex. CW-1/1 and further stated that the correct name of the plaintiff is Khalid Khan, date of birth of the plaintiff is **11.02.1999** and his father's name is Seen Afzal.

Record reveals that plaintiff through instant suit is seeking correction of his name is **Khalid Khan**, father name **Afzal Khan** and date of birth is **11.02.1999** according to his School Admission and Withdrawal Register, while it has been

wrongly mentioned name as Khalid, father name is Seen Afzal and date of birth 01.01.1988 in his CNIC by the defendants, which are wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced the copies of his Middle School Leaving Certificate, School Admission and Withdrawal Register wherein the name and date of birth of the plaintiff have been mentioned as **Khalid Khan** and date of birth as **11.02.1999**, where his father name is Seen Afzal. So, the School Admission and Withdrawal Register of the plaintiff clearly negate the incorporation of his name as Khalid and date of birth as 01.01.1988 in his CNIC but there is nothing on record with respect to the name of his father as Afzal Khan instead of Seen Afzal. Further, there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of his stance.

Hence, in these circumstances, the said documents are admissible and reliance is placed on them 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.

3. 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 only to the extent of his date of birth and his name while dismissed the extent of the name of his father. Defendants are directed to correct the name and date of birth

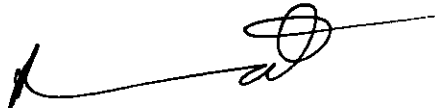

 H.M.A.T. U.L.I. AH MAZIR
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of plaintiff as **Khalid Khan** and **11.02.1999** in their record and in the CNIC of the plaintiff.

4. Parties are left to bear their own costs.


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

Announced
25.02.2022


(Rehmat Ullah Wazir)
Civil Judge-I,
Camp Court, Kalaya, Orakzai

CERTIFICATE

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


(Rehmat Ullah Wazir)
Civil Judge-I,
Camp Court, Kalaya, Orakzai