

IN THE COURT OF SAMI ULLAH,
Civil Judge-I, Orakzai at Baber Mela

Suit No.....45/1 of 2022.

Date of Institution..... 04/10/2022.

Date of decision.....12/11/2022.

= = = = =

1. Tariq Khan, 2. Yaseen Muhammad, 3. Ajmir Khan, 4. Muhammad Shakir, 5. Bibi Russiya, 6. Bibi Ayesha and 7. Bibi Sherena Sons and daughters of Khan Muhammad.

All resident of Qoam Ali Khel, Tappa Jasrat Khel Chinar, P.O Ghiljo Bari Khel, Tehsil Upper, District Orakzai,
..... (Plaintiffs)

Versus

Chairman Nadra, Islamabad and Assistant Director Nadra District Orakzai.

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

SUMMARY JUDGEMENT:

1. Brief facts of the case in hand are that the plaintiffs, **Tariq Khan and others**, have brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct name of their mother is **Jan Mewa**. While the defendants have wrongly incorporated the same in the record of plaintiffs except plaintiff No.06 as **Jan Bibi** in their record, which is wrong and ineffective upon his rights and are liable to correction. That the defendants were repeatedly asked for correction of their mother's name in the

Case
Ullah
12-11-2022
Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)

record of plaintiffs except plaintiff No.06 but they refused, hence, the instant suit.

2. Defendants was summoned, who appeared through their legal advisor namely Irfan Hussain Assistant Superintendent/Legal representative, 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 their mother's name to the effect that the same is Jan Mewa, while it has been wrongly mentioned as Jan Bibi by the defendants in the record of the plaintiffs. The plaintiffs and defendants were directed to produce their entire evidence on the date fixed.

Case No. 45/1 of 2022
 Sami Ullah
 Sami Ullah
 Civil Judge/Judge
 Qazal (Babar Mela)

6. The plaintiffs produced one witness in their favour who recorded his statement and testified that the correct mother's name of the plaintiffs is Jan Mewa. PW-1 namely Muhammad Bilal and as attorney for plaintiffs (his power of attorney as Ex. PW 1/1), said in his statement that the correct mothers' name of the plaintiffs is Jan Mewa, where it has been correctly mentioned in CNICs of their mother. Copy of CNIC of mother of plaintiffs is Ex.PW 1/2. He further stated that the mother's name of the plaintiffs is wrongly mentioned in Nadra record of the plaintiffs, as the same is wrongly mentioned as Jan Bibi, Janu and so on. Moreover, the record of plaintiff No.06 correctly reveals the correct name of their mother.

7. Representative of NADRA appeared as DW-01 and Exhibited family tree as DW1/1. He admitted the stance of the plaintiffs in his cross examination. Hence, in these circumstances, the said documents 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.

8. 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 is directed to correct the mother's name of plaintiffs as **Jan Mewa** in their record while the record of plaintiff No.06 namely Bibi Ayesha is already correct and need no correction to her extent.

12.11.2022
 Sana Ullah
 Sana Ullah
 Civil Judge/JM-I
 Orakzai (Babar Meta)

49

9. Parties are left to bear their own costs.

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

Announced
12.11.2022

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

CERTIFICATE

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

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