

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

Civil Suit No. 43/1 of 2022  
Date of Institution: 27/09/2022  
Date of Decision: 18/11/2022

.....

**Zahid Ali S/O Samin Khan**  
R/O Qoam Ali Khel, Tappa Merwas Khel, Village Gall P/O Ghiljo, Tehsil Upper,  
District Orakzai.  
.....(Plaintiff)

**VERSUS**

**Board of Intermediate and Secondary Education, Kohat through Chairman.**  
..... (Defendant)

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

**SUMMARY JUDGEMENT:**  
**18.11.2022**

1. Brief facts of the case in hand are that the plaintiff, **Zahid Ali**, has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendant, referred hereinabove, seeking declaration therein that the correct name of his father is **Samin Khan** according to the CNIC, while it has been wrongly mentioned as Sameen Ali by the defendant in his record i.e., Matric DMC and Provisional Certificate. That the defendant was repeatedly asked to

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correct the name of father of plaintiff but they refused, hence, the instant suit.

2. Defendant was 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 plaintiff and legal advisor for defendant heard and record gone through.

5. Record reveals that plaintiff through instant suit is seeking correction of his father's name to the effect that the same is Samin Khan, while it has been wrongly mentioned as Sameen Ali by the defendant in their record. The plaintiff and

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defendant were directed to produce their entire evidence on the date fixed.

6. The plaintiff produced two witnesses in his favour who recorded their statement and testified that the correct father's name of the plaintiff is Samin Khan. PW-01 namely Samin Khan (father of plaintiff) said in his statement that my correct name is Samin Khan and it has been correctly mentioned in my CNIC as Samin Khan. Copy of his CNIC is Ex.PW1/1. Whereas it has been wrongly mentioned in the record of the defendant (Matric DMC and Provisional Certificate). He further stated that domicile of the plaintiff correctly bears my name as Samin Khan. While PW-02 namely Wakeel Khan (Uncle of plaintiff) and as attorney for plaintiff (his power of attorney as Ex. PW 2/1), said in his statement that the correct fathers' name of the plaintiff is Samin Khan, and it has been correctly mentioned in CNIC of his father, where it has wrongly mentioned in the record of the plaintiff i.e., Sameen Ali. Copy of DMC, Provisional Certificate, character certificate and Domicile of plaintiff are Ex.PW 2/2 to Ex.PW 2/5 respectively.

7. Legal advisor of Kohat Board appeared as DW-01. He admitted the stance of the plaintiff in his cross examination. Hence, in these circumstances, the said documents are

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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.

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 plaintiff succeeds and is hereby decreed as prayed for. Defendant is directed to correct the father's name of the plaintiff as **Samin Khan** in his record.
9. Parties are left to bear their own costs.
10. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
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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.

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