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IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 98/1 of 2022
Date of Institution: 22/10/2022
Date of Decision: 23/11/2022

Shahid Ullah s/o Ghazi Muhammad
R/O Qoum Akhel, Waji Khan Garhi, Tehsil Ismail Zai, District Orakzai.
(Plaintiff)

VERSUS

1. Registrar General NADRA, Islamabad.
 2. Assistant Registrar General, Peshawar.
 3. Assistant Registrar Orakzai through Assistant Director, NADRA Orakzai.
 4. Chairman BISE Kohat.
- (Defendants)

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

SUMMARY JUDGEMENT:
23.11.2022

1. Brief facts of the case in hand are that the plaintiff, **Shahid Ullah** has brought the instant suit for declaration-cum-perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that his correct name is Shahid Ullah and his correct date of birth is 11.01.1990 according to CNIC and Levi/Khasadar Force record while these have been wrongly mentioned as Shahadat Ullah and 12.03.1995 by the defendant No. 04 in DMCs issued by BISE Kohat (9th & 10th) instead of Shahid Ullah and 01.01.1990. That the defendant No. 01 to 03 have wrongly made addition of Qambar Mela in the address of the

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plaintiff, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were repeatedly asked to correct the name, date of birth and address of the plaintiff but they refused, hence, the instant suit.

2. Defendants were summoned, who appeared through their representative namely Mr. Irfan Hussain and legal advisor Shaheen Muhammad advocate, who submitted their respective written statements.
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."*

Learned counsel for plaintiff and representative/legal advisor for the defendants heard and record gone through.

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4. Record reveals that plaintiff through instant suit seeking declaration therein that his correct name is Shahid Ullah and his correct date of birth is 01.01.1990 according to CNIC and Levi/Khasadar Force record while these have been wrongly mentioned as Shahadat Ullah and 12.03.1995 by the defendant No. 04 in Matric DMCs issued by BISE Kohat (9th & 10th) instead of Shahid Ullah and 01.01.1990. That the defendant No. 01 to 03 have wrongly made addition of Qambar Mela in the address of the plaintiff, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of his contention produced his CNIC and Domicile Certificate, wherein the name and date of birth of the plaintiff have been mentioned as **Shahid Ullah and 01.01.1990** while the address i.e Qamber Mela is not mentioned in his Domicile Certificate of the plaintiff. So, the CNIC and Domicile Certificate of the plaintiff clearly negate the incorporation of his name, date of birth and address as Shahadat Ullah, 12.03.1995 and Qambar Mela. Further, the defendant No. 04 has admitted the contents of the plaint as true and correct in its written statement. That there is no countered document available with the defendants to rebut the documents produced by the plaintiff in support of his stance, which establishes that the name, date of birth and

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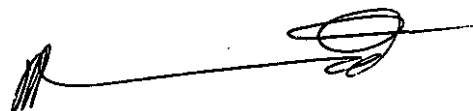
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address of the plaintiff have wrongly been mentioned in DMCs (9th & 10th) and CNIC of the plaintiff, that is against the facts and circumstances. The available record is sufficient to decide the fate of the case and no further evidence is required to be produced by the parties.

5. 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 with costs**. Defendant no. 04 is directed to correct the name and date of birth of plaintiff as **Shahid Ullah and 01.01.1990** in its record and defendants No. 01 to 03 are directed to omit/remove Qambar Mela from the address of the plaintiff.
6. File be consigned to the record room after its necessary completion and compilation.

Announced

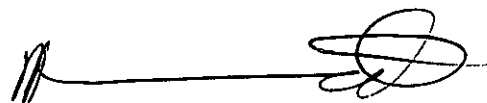
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(Rehmat Ullah Wazir)
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CERTIFICATE

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



(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)