

(36)

**IN THE COURT OF SHABEER AHMAD,**  
CIVIL JUDGE-II, TEHSIL COURT, KALAYA, ORAKZAI

Suit No.....28/1 of 2022  
Date of Institution.....10.06.2022  
Date of decision.....16.08.2022

**Ruqaiya Sherin wife of Sherin Gul**, resident of Qaum Shiekhan, Tappa Bazid Khel, Tehsil Central 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:**

**16.08.2022**

1. Brief facts in the backdrop are that plaintiff has filed the instant suit against the defendants for declaration and permanent injunction to the effect that correct name of the plaintiff is **Ruqaiya Sherin**, correct husband name **Sherin Gul** and correct date of birth is **01.01.1990**, but defendants have wrongly and incorrectly entered name of plaintiff as Ruqaiya Arif wife of Muhammad Arif and date of birth as 01.01.1982 in their record which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. Plaintiff have further averred that due to this wrong entry, there is unnatural gap between plaintiff and her father. That defendants were asked time and again to rectify plaintiff name as **Ruqaiya Sherin**, husband name as **Sherin**

*Shabeer Ahmad*  
Shabeer Ahmad  
Civil Judge/JM-II  
Orakzai at (Kalaya)

Gul and date of birth as 01.01.1990, but in vain hence, the present suit.

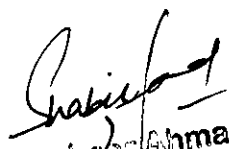
2. With due process of law defendants were summoned, they did not appeared therefore, placed and proceeded ex-parte. Ex-parte decree was passed against defendants but later on representative for defendants namely Syed Farhat Abbas appeared and submitted an application for setting-aside ex-parte decree which was accepted. Representative for defendants submitted authority letter and 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.

Representative for defendants stated that he has no objection if the case is decided summarily 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 heard and record gone through.

4. Record reveals that plaintiff through instant suit is seeking correction of her name as **Ruqaiya Sherin**, correct husband name

  
Shabir Ahmad  
Civil Judge/JM-II  
Orakzai et (Kalaya)

**Sherin Gul** and correct date of birth is **01.01.1990**, but defendants have wrongly and incorrectly entered name of plaintiff as Ruqaiya Arif wife of Muhammad Arif and date of birth as 01.01.1982 in her CNIC by the defendants, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. Plaintiff in support of her contention produced copy of her CNIC and her father CNIC in which there is unnatural gap of 11 years which is against SOPs of NADRA. Copies of CNICs are already exhibited as Ex. PW-3/2 and Ex. PW-3/3 respectively. Further the plaintiff was firstly married to one Muhammad Arif from whom she got divorce, divorce registration certificate is already exhibited as Ex. PW-3/1.

The plaintiff then married Sherin Gul son of Niaz Bat Khan, the marriage registration certificate is already exhibited as Ex. PW-3/2. The said documents clearly negates the incorporation of her name as Ruqaiya Arif, husband name Muhammad Arif and date of birth as 01.01.1982 in her CNIC. Further, there is no countered documents available with the defendants to rebut the documents produced by the plaintiff in support of her contention. So, the available record clearly establishes the claim of the plaintiff.

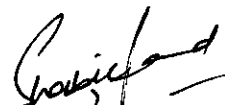
5. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct name of the

*Shahid Ahmad*  
 Shahid Ahmad  
 Civil Judge/JM-II  
 Orakzai at (Kalaya)

plaintiff as **Ruqaiya Sherin**, husband name as **Sherin Gul** and date of birth as **01.01.1990** in their record and in the CNIC of the plaintiff.


6. Parties are left to bear their own costs.
7. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

**Announced**  
**16.08.2022**

  
**Shabeer Ahmad,**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai

**CERTIFICATE**

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

  
**Shabeer Ahmad,**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai