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IN THE COURT OF MUHAMMAD AYAZ KHAN,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 193/1 of 2019
Date of Institution: 17/10/2019
Date of Decision: 06/01/2020

Basmina Jan w/o Noorza Ali

Resident of Village Baza Kalay, PO Kurez, Tehsil lower Orakzai & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**


(Defendant

s)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

SUMMARY JUDGEMENT:
ORDER XV-A CPC

1. Plaintiff, **Basmina Jan w/o Noorza Ali**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove, seeking declaration therein that her correct husband's name is "**Noorza Ali**" while it has been wrongly mentioned as "**Nawaz Ali**" by the defendants, which is against the facts and circumstances. Hence, the instant suit.


MUHAMMAD AYAZ
Senior Civil Judge,
Orakzai at Hangu

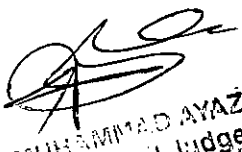
2. Defendants were summoned, who appeared through attorney namely **Syed Farhat Abbas**, who stated at the bar that there is no need of filing of application on behalf of the defendants. He submitted written statement, which is placed on file.

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 as per available record and there is no need of pro and contra evidence in the instant case. The primary aim and objective of recent Amendment Act 2019 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."*

In scheduling conference, as per available record, the correct husband's name of the plaintiff is **Noorza Ali**, which has been wrongly mentioned by the defendants as "**Nawaz Ali**". The same factum is even evident from the CNIC of the husband of the plaintiff wherein his name is mentioned as


MUHAMMAD AYAZ
Senior Civil Judge
Orakzai of Mandi

Noorza Ali. No need of evidence in the instant case. The matter involved is the spelling mistake, which can be corrected at any stage and even without recording of evidence. If this correction is not made in the CNIC of the plaintiff at this stage, it would create problems for the plaintiff and her children in future. Even otherwise, it is in the interest of NADRA to maintain correct database of the plaintiff. This will also avoid future litigation on the subject by the children of the plaintiff. Interestingly, the representative of the defendants conceded at the bar that decree can be granted without

evidence in present case as there is only spelling mistake in the CNIC of the plaintiff. Hence, the claim of the plaintiff is proved as per the available record, which is admissible in evidence.

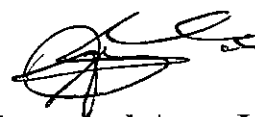
Relief:

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 her husband's name as **Noorza Ali** forthwith.

3. Parties are left to bear their own costs.
4. File be consigned to the record room after its necessary completion and compilation.

Announced

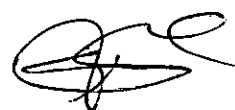
06/01/2020



(Muhammad Ayaz Khan)
Senior Civil Judge,
Orakzai at Baber Mela

CERTIFICATE

Certified that this judgment of mine consists **03** (three) pages, each has been checked, corrected where necessary and signed by me.



MUHAMMAD AYAZ KHAN
Senior Civil Judge,
Orakzai (at Baber Mela).