

IN THE COURT OF MUHAMMAD JUNAID ALAM,
CIVIL JUDGE-II, TEHSIL COURT, KALAYA, ORAKZAI

Civil Suit No. 76/1 of 2024
Date of Institution: 21.10.2024
Date of Decision: 28.10.2024

1. SARDAR KHAN,
2. MINA DAR, BOTH SONS OF JAMAL HASSAN AND
3. MST. SANTRAKA BIBI DUAGHTER OF JAMAL HASSAN, ALL RESIDENTS OF QOM UTMAN KHEL, TEHSIL & DISTRICT ORAKZAI.

.....(PLAINTIFFS)

VERSUS


1. CHAIRMAN NADRA, ISLAMABAD
2. DIRECTOR GENERAL NADRA, HAYATABAD, PESHAWAR
3. ASSISTANT DIRECTOR NADRA ORAKZAI

.....(DEFENDANTS)

**SUIT FOR DECLARATION, PERMANENT AND MANDATORY
INJUNCTION**

SUMMARY JUDGEMENT:

28.10.2024


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

1. Brief facts of the case in hand are that the plaintiffs, 28-10-2024

have filed the instant suit for declaration-cum-permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct mother name of the plaintiffs is

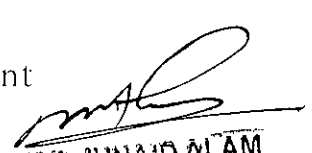
Gul Baharwa (گل بہاروا) while defendants have

incorrectly entered the mother name of plaintiff no. 01

as گل بہاروا, plaintiff no. 02 as گل داروا plaintiff no. 03 as گل

داروا respectively, in their Family Registration

Certificate which is wrong and ineffective upon the rights of the plaintiffs and liable to correction. Furthermore, plaintiffs has three brothers and two sisters. That in FRC the mother name of one brother of the plaintiffs namely Kinar Gul and one sister namely Bibi Iqbala has correctly been mentioned as Gul Baharwa (گی ہاروہ) by the defendants. That the defendants were repeatedly asked to correct the mother name of plaintiffs but they refused, hence, the instant suit.

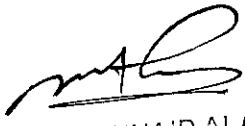

MUHAMMAD JUNAID ALAM
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2. Today representative for defendants namely Syed Irfan Hussain appeared before the court and submitted written statement, which is placed on file. Notice of summary trial of the instant case was issued to the defendants through its representative.
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 of very petty nature, which can be decided through summary judgement as per relevant record, without recording lengthy evidence. As the primary aim and objective of Amended Management Rules in CPC is, "*to enable the court to-*
- Deal with the cases justly and fairly;*
 - 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 plaintiffs heard and record gone through.

4. Record reveals that plaintiffs through instant suit is seeking correction of mother name to the effect that the correct mother name of the plaintiffs is **Gul Baharwa (گل بہارو)** while defendants have incorrectly entered the mother name of plaintiff no. 01 as گل بارو, plaintiff no. 02 as گل وارو plaintiff no. 03 as گل درو بی بی respectively, in their Family Registration Certificate, which are wrong, ineffective upon the rights of the plaintiffs and liable to correction. Plaintiffs in support of their contention produced the copy of Family Registration Certificate. As per Family Registration Certificate, the mother name of plaintiff's brother namely Kinar Gul and sister namely Bibi Iqbala has correctly been recorded as **Gul Baharwa (گل بہارو)**. The said document clearly negates the existing incorporation of mother name of plaintiff no. 01 as گل بارو, plaintiff no. 02 as گل وارو plaintiff no. 03 as گل درو بی بی respectively. Further, there is no countered document


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available with the defendants to rebut the document produced by the plaintiffs in support of their contention. So, the available record clearly establishes the claim of the plaintiffs.

4. 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 are directed to enter the correct mother name of plaintiffs as **Gul Baharwa (گل بہاروہ)** in their record and issue fresh CNICs to the plaintiffs. This decree shall not effect the rights of other(s) or service record if any.
5. Parties are left to bear their own costs.
6. File be consigned to the District Record Room, Orakzai after its necessary completion and compilation.

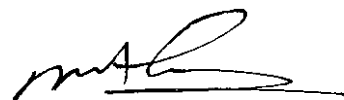
Announced
28.10.2024



Muhammad Junaid Alam,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consisting upon **04** (four) pages, each has been checked, corrected where necessary and signed.



Muhammad Junaid Alam,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai