

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P No. D-2297 of 2023

Dated Order with signature of Judge.

Fresh case

1. For order on Misc. No.11139/2023
2. For order on office objection No.01.
3. For order on Misc. No.11140/2023
4. For hearing of Main Case.

16.05.2023

Mr. Falak Sher Khan, Advocate for the Petitioner

YOUSUF ALI SAYEED, J.- The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution seeking that directions be issued to the Board of Secondary Education for correction / change of his name in his educational certificate from Muhammad Arham to Muhammad Ebad.

The rational advanced by the Petitioner in that regard is encapsulated of the Paragraph No. 3 of the Petition, as follows:

“3. That, due to illness and continuously mental disturbance and sickness, the parents of Petitioner went to some Islamic Scholars and disclosed all situation and after consultation the finally it was advised to change the name of Petitioner as his name is "Bhari Naam", (heavy for him and couldn't suitable for his successful future), hence his parents changed the Petitioner name from old/previous name Muhammad Arham to new/changed name Muhammad Ebad, since then the Petitioner felt good, mentally quite well and healthy, the father of the Petitioner went at the NADRA office to change the name in B Form, the NADRA officials advised him to execute the affidavit for change of Petitioner's name, hence his father namely Muhammad Aslam executed an Affidavit duly attested by Oath Commissioner on dated 01-2-2021 and then he got changed the name of the petitioner from Muhammad Arham to Muhammad Ebad.”

As it transpires, the pleadings reflect that certain civil proceedings were firstly instituted by the father of the Petitioner and then by the Petitioner himself for the aforementioned purpose, with the relevant excerpts from Petition *inter alia* reading thus:

“4. That, thereafter the father of Petitioner went to the Respondent No.2 for change the name of Petitioner in the record/mark sheet/data in the record of Board of secondary education Karachi/ Respondent No.2, then the Respondent No.2 advised to the father of petitioner to get the decree from the Hon'ble court that the Petitioner will enable to change the name of his son and has given the application proforma wherein the Decree is required for change/correction the name, hence the father of Petitioner was filed the Civil Suit having its No. 357 of 2021 against Respondent No.2. Wherein the Respondent No.2 has filed the application Under Order VII Rule 11 CPC with effect that no cause of action accrued against Respondent No.2, the counter affidavit was filed on that application and on dated 18-01-2021 said application was allowed and suit was rejected.”

“5. That the Petitioner now being adult has obtained his CNIC from NADRA with his changed new name as Muhammad Ebad Son of Muhammad Aslam Dated: 13-7-2021. The petitioner also being adult has moved the written application to the respondent No.2 for change his name reasons are mentioned in said Application which were duly received on dated: 02-02-2022 which resulted fruitless and refused to entertain this application then the Petitioner again personally after obtaining CNIC from NADRA filed another Suit 250/2022 before the Hon'ble Court of VII Senior Civil Judge, District Central, Karachi wherein the learned said trial court on the same previous pattern rejected the suit Under Order VII, Rule 11, C.P.C...”

On query posed, as to whether any appeal had been filed in either case, learned counsel for the Petitioner conceded that such remedy had not been availed.

Under the given circumstances, and in the aforesaid backdrop, we are of the view that Petition is misconceived. Indeed an office objection had already been raised on the point of maintainability with reference to the decisions rendered in the aforementioned Civil Suits. Hence while granting the application for urgency, we hereby uphold the office objection and dismiss the Petition in *limine* along with other pending miscellaneous applications.

JUDGE

CHIEF JUSTICE