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

Civil Suit No. 99/1 of 2022
Date of Institution: 22.10.2022
Date of Decision: 30.01.2023

1. Alluodin s/o Farooq Khan
 2. Saif Uddin Khan s/o Farooq Khan
- Both R/O Qoum Rabia Khel, Tappa Piawo Khel, Seri Bela, Tehsil
Ismail Zai, District Orakzai.

(Plaintiffs)

VERSUS

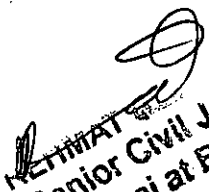
3. Kohat Board of Education
4. Government Centennial Model High School No. 01, Hangu
5. Government Primary Schol, Bahadur Garhi, Hangu

(Defendants)

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

JUDGEMENT:

1. Plaintiffs Alluadin and one other have brought the instant suit for declaration-cum-permanent injunction against defendants, seeking therein that the correct name of the father of the plaintiffs is Farooq Khan as per NADRA record while it has been wrongly entered as Manawar Khan in the record of the defendants, which is wrong and ineffective upon the rights of the plaintiffs and liable to correction. That the defendants were asked time and again for correction of father's name of the plaintiffs but they refused to do so, hence the present suit;


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2. Defendants were summoned, in whom, the defendant No. 01 appeared before the court through its legal advisor Shaheen Muhammad Advocate while defendant No. 02 & 03 failed to appear before the court, hence, placed and proceeded ex-parte.

3. The defendant no. 01 through its legal advisor contested the suit by filing written statement, wherein various legal and factual objections were raised.

4. Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether plaintiffs have got cause of action?
2. Whether the correct name of the father of the plaintiffs is Farooq Khan while it has been wrongly entered as Manawar Khan in the record of the defendants?
3. Whether the plaintiffs are entitled to the decree as prayed for?
4. Relief.

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Parties were given ample opportunity to produce evidence which they did accordingly.

The plaintiffs produced witnesses in whom the plaintiff No. 01 himself appeared as PW-01, who produced his CNIC which is Ex.PW-1/1. Further, he produced the

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CNIC of his father and mother which are Ex.PW-1/2 and Ex.PW-1/3 respectively and according to these, the name of the father of the plaintiffs is Farooq Khan. He further produced the copy of Form "B" which is Ex.PW-1/4 and according to these; the name of the father of the plaintiffs is Farooq Khan and further narrated the same story as in the plaint. Further, the one Muhammad Khaliq, maternal uncle of the plaintiffs, appeared as PW-02, who supported the stance of the plaintiffs by narrating the same story as in the plaint. Further the one Samsira Jan, the mother of the plaintiffs, appeared as PW-03 who fully supported the stance of the plaintiffs by narrating the same story as in the plaint.


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The counsel for the contesting defendant no. 01 recorded his statement, wherein he relied on the written statement and DMC, Serial No. 17974, Roll No. 11207, issued by BISE, Kohat and did not produce any evidence.

Issue wise findings of this court are as under: -

Issue No. 02:

The plaintiffs alleged in their plaint that the correct name of the father of the plaintiffs is Farooq Khan as per NADRA record while it has been wrongly entered as

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Manawar Khan in the record of the defendants, which is wrong and ineffective upon the rights of the plaintiffs and liable to correction. That the defendants were asked time and again for correction of father's name of the plaintiffs but they refused to do so, hence the present suit;

The plaintiffs produced witnesses in whom the plaintiff No. 01 himself appeared as PW-01, who produced his CNIC which is Ex.PW-1/1. Further, he produced the CNIC of his father and mother which are Ex.PW-1/2 and Ex.PW-1/3 respectively and according to these, the name of the father of the plaintiffs is Farooq Khan. He further produced the copy of Form "B" which is Ex.PW-1/4 and according to these; the name of the father of the plaintiffs is Farooq Khan and further narrated the same story as in the plaint. Further, the one Muhammad Khaliq, maternal uncle of the plaintiffs, appeared as PW-02, who supported the stance of the plaintiffs by narrating the same story as in the plaint. Further the one Samsira Jan, the mother of the plaintiffs, appeared as PW-03 who fully supported the stance of the plaintiffs by narrating the same story as in the plaint.

The counsel for the contesting defendant No. 01 recorded his statement, wherein he relied on the written

statement and DMC, Serial No. 17974, Roll No. 11207, issued by BISE, Kohat and did not produce any evidence.

Arguments heard and record perused.

After hearing of arguments and perusal of the record, I am of the opinion that that the stance of the plaintiffs is supported by their CNIC and Form, "B" in the shape of Ex.PW-1/1 & Ex.PW-1/4 respectively which all are presumed to be genuine for the purpose, for which they are produced. Thus, in the light of the aforesaid findings, the issue is decided in positive.

Issue No. 01 & 03:

Both these issues are interlinked, hence, taken together for discussion.

As sequel to my findings on issue No. 2, the plaintiffs have got a cause of action and therefore, entitled to the decree as prayed for. Both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiffs is hereby **decreed** as prayed for with costs.

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File be consigned to the Record Room after its completion and compilation.

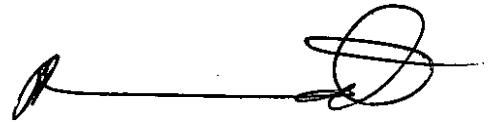
Announced
30.01.2023



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

CERTIFICATE

Certified that this judgment of mine consists of six (06) pages, each has been checked, corrected where necessary and signed by me.



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