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

Civil Suit No. 24/1 of 2022
Date of institution 19.05.2022
Date of Decision: 20.01.2023

1. **Fazal Karim S/O Fazal Rahim R/O Qoum Baland Khel,**
Tappa Lodhyani, Tehsil Upper, District Orakzai.

(Plaintiff)

VERSUS

1. **Chairman NADRA, Islamabad.**
2. **Director NADRA, District Orakzai.**

(Defendants)

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

JUDGEMENT:

1. Plaintiff Fazal Karim has brought the instant suit for declaration-cum-permanent and mandatory injunction against the defendants to the effect that correct father's name of the plaintiff is Fazal Rahim and his correct address is Qoum Baland Khel, Tappa Ludhyani, Tehsil Upper, District Orakzai whereas, defendants have wrongly entered his father's name as Kharsoon and his address as "Muhalla Haji Muhabbat Khan, Thall, District Hangu" in his CNIC, which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and

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again for correction of father's name and address of the plaintiff but they refused to do so, hence the present suit;

2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing their written statement.

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

Issues:

1. *Whether the plaintiff has got cause of action?*
2. *Whether the correct name of the father of the plaintiff is Fazal Rahim while it has been wrongly entered as Kharsoon in the record of the defendants?*
3. *Whether the correct address of the plaintiff is "Qoum Baland Khel, Tappa Ludhyani, Tehsil Upper, District Orakzai" while it has been wrongly entered as "Muhalla Haji Muhabbat Khan, Thall, District Orakzai"?*
4. *Whether the plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

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

Issue wise findings of this court are as under: -

Issue No. 02 & 03:


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

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The plaintiff alleged in his plaint that correct father's name of the plaintiff is Fazal Rahim and his correct address is Qoum Baland Khel, Tappa Ludhyani, Tehsil Upper, District Orakzai whereas, defendants have wrongly entered his father's name as Kharsoon and his address as "Muhalla Haji Muhabbat Khan, Thall, District Hangu" in his CNIC, which is wrong and ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again for correction of father's name and address of the plaintiff but they refused to do so, hence the present suit;

Plaintiff in support of his contention produced witnesses, in whom the plaintiff himself appeared as PW-01, who narrated the same story as in the plaint and produced his CNIC which is Ex.PW-1/1 but during cross-examination, it has been brought on record that the one Mr. Kharsoon is the husband of his maternal aunt. Further, Mr. Gul Piyao Khan, the co-villager of the plaintiff appeared as PW-02 who supported the stance of the plaintiff by narrating the same story as in the plaint and produced his CNIC which is Ex.PW-2/1. This witness has been cross-examined but


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nothing tangible have been extracted out of him during cross-examination.

The defendants produced only one witness as the record keeper of NADRA, Orakzai appeared as DW-01, who produced the Family Tree of the plaintiff and Fazal Rahim (father of the plaintiff) which are Ex.DW-1/1 and Ex.DW-1/2 respectively and that Fazal Karim is not mentioned in the family of Fazal Rahim according to his family tree Ex.PW-1/2. Further, produced the RTS record which is Ex.DW-1/3 and according to this, the plaintiff processed his first computerized CNIC in the year 2004 on the basis of MNIC No. 144-80-32674, wherein, the father name of the plaintiff is mentioned as Kharsoon. During cross examination, he admitted that in the record of the children of Fazal Rahim, their father is mentioned as Fazal Rahim and in the record of Kharsoon, no one else is mentioned except Fazal Karim. That according to the record of Fazal Rahim, his address is Tappa Ludhyani, District Orakzai. That they would have got no objection if the court corrects the father's name and address of the plaintiff.

Arguments heard and record perused.

After hearing of arguments and perusal of record I

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am of the opinion that the plaintiff established his case through oral and documentary evidence. Also the defendants have not produced any solid piece of evidence to counter the claim of the plaintiff; therefore, the issue is decided in positive.

Issue No. 01 & 04:

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

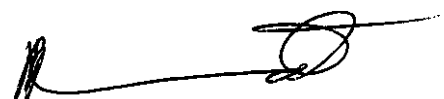
As sequel to my findings on issue No. 02 & 03, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

RELIEF:

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

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

Announced
20.01.2023


(Rehmat Ullah Wazir)
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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)