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

Case No. ....102/1 of 2022.

Date of institution.....27.10.2022.

Date of Decision.....13.03.2023

Muhammad Ibrahim S/O Abdul Basir, R/O Qaum Mamozi, Village  
Manda, Upper Orakzai.  
*(Plaintiff)*

**VERSUS**

1. Chairman NADRA, Islamabad, Pakistan.
2. Assistant Director NADRA, District Orakzai.

*(Defendants)*

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

**JUDGEMENT:**

1. Plaintiff Sakhi Marjan has brought the instant suit for declaration-cum-perpetual and mandatory injunction against the defendants, seeking therein that true and correct name of his father is Abdul Basir and that of his mother is Raheema Bibi, whereas, defendants have wrongly entered the same as Muhammad Zadin and Raham Bibi in their record instead of Abdul Basir and Raheema Bibi, which are wrong, ineffective upon the rights of the plaintiff and are liable to correction. That the defendants were asked time and again for correction of the names of the parents of the plaintiff but they refused to do so, hence the present suit;

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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:**

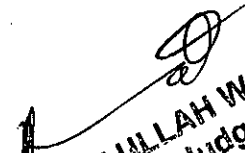
1. *Whether the plaintiff has got cause of action?*
2. *Whether the plaintiff is estopped to sue?*
3. *Whether the suit of plaintiff is time barred?*
4. *Whether the correct name of the father of the plaintiff is Abdul Basir and correct name of his mother is Raheema whereas defendants have wrongly entered the same as Muhammad Zadin and Raham Bibi in their record respectively?*
5. *Whether the plaintiff is entitled to the decree as prayed for?*
6. *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:**

The defendants in their written statement raised the objection that the plaintiff is estopped to sue but later on failed to prove the same, hence, the issue is decided in negative.

  
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**Issues No. 03:**

The representative of defendants in his written statement raised his objection that suit of the plaintiff is time barred but I am the opinion that as per Article 120 of the Limitation Act, 1908 there is a period of 06 years for the institution of such like suits but the aforesaid Limitation Act, 1908 is extended to the erstwhile FATA on 31/05/2018 through the 25th constitutional amendment and the same has become operational from the aforesaid date while the instant suit has been filed on 27.10.2022. Thus, the same is well within time. The issue is decided in negative.

**Issue No. 04:**

The plaintiff alleged in his plaint that the correct name of his father is Abdul Basir and that of his mother is Raheema Bibi, whereas, defendants have wrongly entered the same as Muhammad Zadin and Raham Bibi in their record instead of Abdul Basir and Raheema Bibi which are wrong, ineffective upon the rights of the plaintiff and are liable to correction. That the defendants were asked time and again for correction of the names of the parents of the plaintiff but they refused to do so, hence the present suit;

Plaintiff in support of his contention produced witnesses, in whom the special attorney of the plaintiff namely

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Muhammad Salih appeared as PW-01 and narrated the same story as in the plaint. He produced his Special power of attorney as Ex. PW-1/1 and copy of his CNIC as Ex. PW-1/2. Further, the one Muhammad Shameem S/O Islam Badshah, a relative 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 the copy of his CNIC, which is Ex. PW-2/1. All these witnesses have been cross-examined but nothing tangible has been extracted out of them during cross-examination.

The defendants produced only one witness, the record keeper of NADRA, Orakzai who appeared as DW-01, and produced the Family Trees as Ex. DW-1/1 & Ex. DW-1/2 respectively of the plaintiff and according to that the parent's names of the plaintiff are Muhammad Zadin (father) and Raham Bibi (mother). He requested that suit of plaintiff is liable to be dismissed.

Arguments heard and record perused.

After hearing of arguments and perusal of record, I am of the opinion that the plaintiff established his case through oral and documentary evidence. Also, the defendants failed to produce a solid piece of evidence to counter down the claim of the plaintiff, therefore, the issue is decided in positive.

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**Issue No. 01 & 05:**

Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 04, 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.

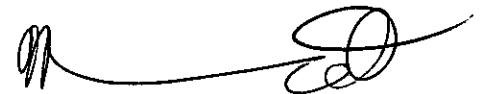
**Announced**  
**13.03.2023**



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**CERTIFICATE**

Certified that this judgment of mine consists of five (05) pages, each has been checked, corrected where necessary and signed by me.



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