

IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 33/1 (Neem) of 2022
Date of Original Institution: 12.03.2022
Date of Transfer in: 29.06.2022
Date of Decision: 13.03.2023

Syed Hamid S/O Muhammad Bashir, R/O Qaum Bar
Muhammad Khel, Tapa Baba Nawasi, Mandi, Tehsil Lower,
District Orakzai.

.....(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Assistant Director, NADRA District Orakzai.**
3. **Kohat Board, District Kohat.**

.....(Defendants)

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

JUDGMENT

Brief facts in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that correct name of plaintiff is **Syed Hamid** and his correct father's name is **Muhammad Bashir**, however, defendant No. 1 and No. 2 have entered name of plaintiff as Syed Hamid ul Hassan Sherazi in their record while defendant No. 3 has entered plaintiff's name as Syed Hamid ul Hassan and his father's name is entered as Syed Muhammad Bashir by defendant No. 3 which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to rectify name of plaintiff as Syed Hamid

Syed Abbas Bukhari
13-03-2023
Civil Judge/JM-II
Orakzai at (Kalaya)

and name of his father as Muhammad Bashir but in vain hence, the present suit.

With due process of law and procedure, the defendants were summoned, defendants No. 1 & 2 appeared through representative, who submitted authority letter and written statement. Defendant No.3 remained absent despite services, hence placed and proceeded against ex-parte.


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

Issues:

1. Whether plaintiff has got cause of action? OPP
2. Whether the correct name and father name of plaintiff is **Syed Hamid** and **Muhammad Bashir** respectively? OPP
3. Whether the plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

Thereafter both the parties were directed to produce their evidence, which they did accordingly and plaintiff examined three witnesses and thereafter closed his evidence with a note. Contrary to this defendants produced their sole witness as DW-01 and thereafter closed their evidence with a note.

Thereafter both the learned counsels for the parties advanced their arguments on the basis of the available record as well as the evidence produced by both the parties.


13-03-2023
Civil Judge, M-II
Orakzai at (Kalaya)

Issue wise findings of this court are as under: -

Issue No. 02:

The plaintiff alleged in his plaint that the correct name and father of plaintiff is **Syed Hamid** and **Muhammad Bashir** respectively, however, defendant No. 1 and No. 2 have entered the same as Syed Hamid ul Hassan Sherazi and Syed Muhammad Bashir, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

The plaintiff produced witnesses in whom Syed Hamid, the plaintiff himself, appeared as PW-01, who produced Matric School Certificate, DMC, his CNIC and his father CNIC which are Ex. PW-1/1 to Ex. PW-1/4 respectively. He further narrated the same story as in the plaint. The witness has been cross examined but nothing tangible has been extracted out of him. Musharab Hussain son of Syed Shah Gul, the uncle of the plaintiff is appeared as PW-02. He produced his CNIC which is Ex. PW-2/1 and further supported the stance of the plaintiff as in the plaint. Further Syed Lal Akbar son of Syed Shah Gul, the uncle of the plaintiff appeared as PW-03. He produced his CNIC which is Ex. PW-3/1. He further supported the claim of the plaintiff



15-03-2023

Civil Judge/JM-II
Orakzai at (Kalaya)

as narrated in the plaint. During cross examination nothing tangible has been extracted out of him.

In order to counter the claim of the plaintiff, the defendants produced only one witness, the representative of the defendants No. 1 & 2 who appeared as DW-1. He stated that plaintiff has made in NADRA according to his School Certificate. But during cross examination, he admitted that according to NADRA SOP, the name and father name will change on Secondary School Certificate.

In light of above discussion as plaintiff succeeded to prove his stance by producing cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party, accordingly, the issue in hand is hereby decided in positive.

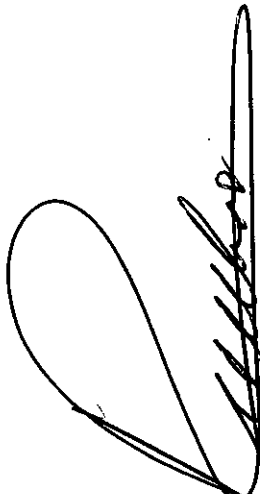
Issue No. 01 & 03:

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

As sequel to my findings on issue No. 2, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, 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.



Civil Judge (M-II)
Orakzai (Kalaya)
13-03-2023

47

Defendants are directed to correct the name and father name of plaintiff as **Syed Hamid and Muhammad Basheer**. No order as to costs.

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

Announced
13.03.2023



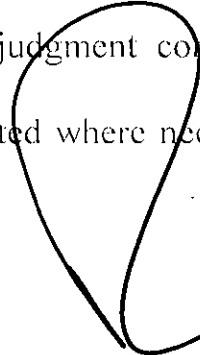
Civil Judge/JM-II
Orakzai at (Kalaya)

Syed Abbas Bukhari

Civil Judge-II,
Tehsil Court, Kalaya, Orakzai

CERTIFICATE

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



Civil Judge/JM-II
Orakzai at (Kalaya)

Syed Abbas Bukhari

Civil Judge-II,
Tehsil Court, Kalaya, Orakzai