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IN THE COURT OF REHM1AT ULLAH WAZIR,
CIVIL JUDGE-I ORAKZAI AT BABER MELA

Civil Suit No. 35/1 of 2019
Date of Institution: 26/06/2019
Date of Decision: 25/10/2019

Javid Khan S/O Jalandar Khan
R/O Qom Ali Khel, Kot Tehsil Upper District Orakzai (Plaintiff)

VERSUS

1. Registrar, General NADRA, Islamabad, Pakistan.
2. Deputy Registrar General, Peshawar.
3. Assistant Director, NADRA, District Orakzai.
Through System Engineer, NADRA, Orakzi. (Defendants)

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

JUDGEMENT:

1. Plaintiff Javid Khan has brought the instant suit for declaration-cum-perpetual and mandatory injunction against defendants Registrar General NADRA, Islamabad, Pakistan through System Engineer, NADRA, Bahadur Banda, District Orakzai and 02 others seeking therein that correct father name of the plaintiff is **Jalandar Khan** and correct mother name **Zarsanga** whereas, defendants have wrongly incorporated the same as **Jabbar** and **Hussain Jana** instead of **Jalandar Khan** and **Zarsanga**, 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 parent's names 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 any cause of action?
2. Whether the plaintiff is estopped to sue?
3. Whether suit of the plaintiff within time?
4. Whether the correct father name of the plaintiff is **Jalandar Khan** and correct mother name **Zarsanga** while the same has been wrongly mentioned as Jabbar and Hussain jana in the CNIC of the plaintiff?
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.

Issue No. 03:

The defendants in their written statements raised their 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 26-06-2019. Thus, the same is well within time. The issue is decided in positive.

Issue No. 04:

The plaintiff alleged in his plaint that his correct father name is **Jalandar Khan** and correct mother name is **Zarsanga**, respectively according to his Father Manual NIC and Mother CNIC. whereas, defendants have wrongly entered the same as **Jabbar** and **Hussain Jana** instead of **Jalandar Khan** and **Zarsanga**, which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again for correction of parent's names of the plaintiff but they refused to do so, hence the present suit;

The plaintiff produced witnesses in whom the plaintiff himself appeared as PW-1, who produced his Father manual NIC and Mother's CNIC Which are Ex. PW-1/1 and Ex. PW-1/2 respectively and that according to these documents, the correct name of the father of the plaintiff is **Jalandar Khan** and of the mother is **Zarsanga**. Further, Mr. Tooti Khan S/O Jalandar Khan, the (brother of the plaintiff) appeared is PW-2, who produced his own CNIC which is Ex. PW-2/1, and further narrated the same story as in the plaint. Further Mr. Jan Akber S/o Sultan Akber, the cousin of the plaintiff appeared as PW-3,

who narrated the same story in the plaint and produced his own CNIC which is Ex. PW-3/1, and further narrated the same story as in the plaint. All witnesses were cross examined but nothing solid has been extracted out of them during cross examination.

In order to counter the claim of the plaintiff, the defendants produced only one witness as Mr. Syed Farhat Abbas, the representative of the defendants appeared as DW-1, who produce the "Form A" and "Family Tree" of the plaintiff which are Ex. DW-1/1 and DW-1/2 respectively, but admitted is his cross examination that it is correct that there is no mention of the NIC numbers of the father and mother in the record of the plaintiff.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the correct names of the parents of the plaintiff are mentioned in the Ex. PW-1/2 and Ex. PW-1/3, which the defendants failed to rebut. Thus, these documents are sufficient to prove the contention of the plaintiff as true. Hence, the issue decided in positive.

Issue No. 01 & 05:

Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 4, 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 no order as to costs.

Defendants are directed to issue CNIC to the plaintiff as per his correct parent's names. i.e. **Jalandar Khan** and **Zarsanga**.

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


Announced
25/10/2019



(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela.

CERTIFICATE

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



(Rehmat Ullah Wazir)
Civil Judge-I,
Orakzai at Baber Mela.

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