

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

**Original:**

Civil Suit No. 73/1 of 2019  
Date of Institution: 02/10/2019

**After Transfer in:**

Civil Suit No. 279/1 of 2019  
Date of Institution: 01/06/2020

Date of Decision: 08/06/2020

**Muhammad Ihsan s/o Abdul Jaleel**

Resident of Section Mishti Sub Section Mamizai, PO Kalaya, Tehsil Lower &  
District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Registrar, General NADRA Islamabad.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

**SUIT FOR DECLARATION, PERMANENT & MAIDATERY INJUNCTION**

**JUDGEMENT:**

Brief facts of case in hand are that the plaintiff, **Muhammad Ihsan s/o Abdul Jaleel**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that correct name of his real mother is "**Lal Mora**" while defendants have wrongly mentioned the name of his step mother Bibi Fatima in their record, which is incorrect and liable to be corrected. Hence, the present suit.

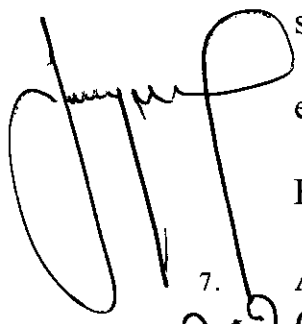
Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein, they contested the suit of plaintiff on various grounds.

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08.6.2020  
FARMANULLAH  
Senior Civil Judge  
Orakzai at Baber Mela

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

**Issues:**

1. Whether plaintiff has got cause of action?
2. Whether the correct name of the real mother of the plaintiff is **Lal Mora** while defendants have wrongly mentioned the name of step mother of the plaintiff in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.
  
5. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 to PW-3.
6. Plaintiff Muhammad Ihsan appeared as PW-1, and recorded his statement wherein he repeated the contents of plaint in his examination in chief. He also produced various documents as Ex.PW-1/1 to Ex.PW-1/4.
7. Abdul Jaleel, who is the father of the plaintiff recorded his statement as PW-2. He stated that the real name of the mother of the plaintiff is Lal Mora, who was his 1<sup>st</sup> wife and she has died in year 1999 without obtaining any CNIC from the NADRA. He also stated that he contracted a second marriage with Bibi Fatima after the death of his first wife.
8. PW-3, Habeeb Ullah Khan, is the real maternal uncle of the plaintiff, who appeared and recorded his statement wherein he supported the contention of the plaintiff and stated that the real mother name of the plaintiff is Lal Mora while the name entered



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as Bibi Fatima in the CNIC of the plaintiff is incorrect because she is his step mother.

- 9. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1 and recorded his statement as DW-1. He produced the record form of plaintiff and exhibited the same as Ex. DW-1/1, birth family tree as Ex. DW-1/2 and by birth family tree as Ex. DW-1/3.
- 10. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
- 11. My issues wise findings are as under:

**Issue No.02:**

Plaintiff contended in his plaint that the correct name his real mother is Lal Mora who died in year 1999 and thereafter his father contracted a 2<sup>nd</sup> marriage with Bibi Fatima. That inadvertently the name of Mst Bibi Fatima was recorded as mother of plaintiff in NADRA record instead of Lal Mora. Hence, the record is liable to be corrected.

Plaintiff in support of his contention has appeared as PW-1 and he repeated the contents of plaint in his examination in chief. He also produced his CNIC as Ex.PW-1/1, death certificate of Lal Mora as Ex.PW-1/2, CNIC of his father as Ex.PW-1/3 while CNIC of his step mother as Ex.PW-1/4. PW-2, who is the real father of plaintiff while PW-3 who is the real maternal uncle of plaintiff also supported the contention of

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plaintiff in their statement, so the oral and documentary evidence produced by the plaintiff clearly establishing that Lal Mora was the real mother of plaintiff while Bibi Fatima is the step mother of plaintiff. As there is nothing in rebuttal to this effect. So, the incorporation of name of mother of plaintiff as Bibi Fatima instead of Lal Mora in record of NADRA appears to be a mistake. Hence the issue No.2 is decided in positive.

**Issue No. 01 & 03:**

These issues are taken together. For what has been held in issue No. 3, this court is of the opinion that plaintiff has got cause of action and he is entitled to the decree as prayed for.

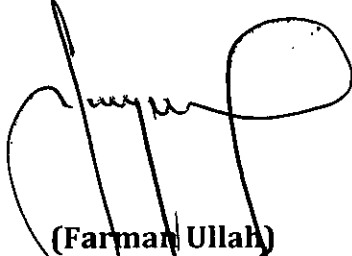
The issues are decided in positive.

**Relief:**

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the name of mother of plaintiff as Lal Mora. Parties are left to bear their own costs.

12. File be consigned to the record room after its completion and compilation.

**Announced**  
08/06/2020

  
(Farman Ullah)  
Senior Civil Judge,  
Orakzai (at Baber Mela).  
FARMANULLAH  
Senior Civil Judge  
Orakzai at Baber Mela

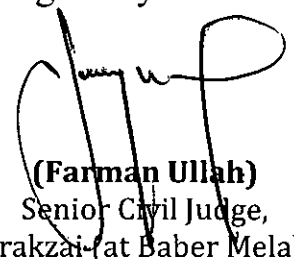
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**CERTIFICATE**

of

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

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**(Farman Ullah)**  
Senior Civil Judge,  
Orakzai (at Baber Mela).

**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela