

IN THE COURT OF MUHAMMAD AYAZ KHAN,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Order
13/11/2019

Plaintiff present. Attorney of the defendant present. Vide my detailed separate judgement of today, consists of 06 (six) pages, suit of the plaintiff is hereby decreed as prayed for. No order as to cost.

Case file be consigned to record room.

Announced
13/11/2019



(Muhammad Ayaz Khan),
Senior Civil Judge,
Orakzai at Baber Mela

DECREE SHEET

③

In the court of Muhammad Ayaz Khan, Senior Civil Judge/JM, Orakzai at Baber Mela

Civil Suit No. 3/1 of 2019
Date of Institution: 15/03/2019
Date of Decision: 13/11/2019

Muhammad Naveed s/o Abdullah

(Plaintiff)

Vs

**Registrar, General NADRA, Islamabad.
Deputy, Registrar General NADRA KPK Peshawar.
Assistant Registrar General, NADRA District Orakzai.**

(Defendants)

SUIT FOR DECLARATION AND PERMANENT INJUNCTION


Judgement

Plaintiff Muhammad Naveed has submitted the instant suit for Declaration and permanent injunction against the defendants, stated that his correct name is “**Muhammad Naveed**” and his father name is “**Abdullah**” while it has been wrongly entered in his CNIC as “**Naveed Khan**” and father name as “**Rabia Khan**” by the defendants, which is against the facts and liable to be corrected. Hence, this creates irreparable loss for the plaintiff. Defendants are directed to correct the necessary.

Order

13/11/2019

Vide my detailed separate judgement of today consist of 06 pages, suit of the plaintiff is hereby decreed as prayed for and defendants are directed to correct the name of the plaintiff as **Muhammad Naveed** and his father name as **Abdullah** forthwith. No order as to costs.


(Muhammad Ayaz Khan)
Senior Civil Judge/JM
Orakzai at Baber Mela

IN THE COURT OF MUHAMMAD AYAZ KHAN,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 3/1 of 2019
 Date of Institution: 15/03/2019
 Date of Decision: 13/11/2019

Muhammad Naveed s/o Abdullah

Resident of Village Nari Khapa, PO Ghiljo, Tehsil Upper & District Orakzai.....
 (Plaintiff)

VERSUS

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

(Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGEMENT:

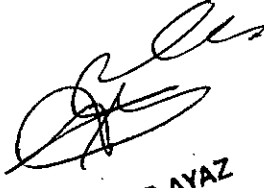
Plaintiff, **Muhammad Naveed s/o Abdullah**, has brought the instant suit for declaration-cum-permanent injunction against the defendants, referred hereinabove; seeking declaration therein that his correct name is "**Muhammad Naveed**" and correct name of his father is "**Abdullah**", while the plaintiff name has been wrongly mentioned as "**Naveed Khan**" and his father name as "**Rabia Khan**" by the defendants, which is incorrect and liable to be corrected. Hence, the present suit.

Defendants were summoned, who appeared through attorney namely Habib Ullah Khan and submitted written statement, which is placed on file.


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

Issues:

1. Whether plaintiff has got cause of action.


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2. Whether suit of plaintiff is within time.
 3. Whether the correct name of the plaintiff is "**Muhammad Naveed**" and correct father name of the plaintiff is "**Abdullah**", while it has been wrongly entered in his CNIC as Naveed Khan and his father name as Rabia Khan.
 4. Plaintiff is entitled to the decree as prayed for.
 5. Relief.
6. Parties were directed to produce evidence of their own choice, which they did. Plaintiff produced three (03) witnesses.
 7. PW-1, Muhammad Naveed, is plaintiff himself, who recorded his statement. He stated that his correct name is **Muhammad Naveed** and father name is **Abdullah**, which is mentioned in his Domicile certificate issued by Political Agent Orakzai and also mentioned in the health certificate issued by Agency Surgeon which is Ex.PW-1/1, copy of his CNIC Ex.PW-1/2, copy of his father CNIC as Ex.PW-1/3, copy of his Mother CNIC as EX.PW-1/4 and copy of his brother CNIC as Ex.PW-1/5. He further stated that, his name as Naveed Khan, and his father name as Rabia Khan, entered in his CNIC are incorrect and against the facts and prayed that a declaratory decree for the correction of his name and his father name may kindly be granted. He was cross examined by the defendants.
 8. PW-2, Abdullah, is father of the plaintiff. He stated that plaintiff is his son, and his son's correct name is **Muhammad Naveed** s/o **Abdullah**. He further stated that his CNIC is already exhibited as Ex. PW-1/3. The father name entered in his son's CNIC as


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Rabia Khan is incorrect, and he doesn't know Rabia Khan. He is cross examined by the defendants through attorney.


9. PW-3, Aadil, is brother of the plaintiff, who stated that the real name of the plaintiff is **Muhammad Naveed** and father name is **Abdullah**. The Domicile of the plaintiff issued by Political Agent Orakzai is placed on file, in which the entries are correct as **Muhammad Naveed** and his father name as **Abdullah** Exhibited as Ex.PW-3/1. He produced and exhibited copy of his CNIC as Ex.PW-3/2. He was cross examined by the defendants through attorney.
10. In rebuttal defendants produced an examined sole witness namely Syed Farhat Abbas, representative, as DW-1 and recorded his statement as DW-1. He produced the form-A of plaintiff and exhibited the same as Ex. DW-1/1. He is cross examined by the plaintiff.
11. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
12. My issues wise findings are as under:
13. **Issue No.03:**

Plaintiff has filed the instant suit for declaration in respect of correct his name and his father's name in his CNIC.

Perusal of record reveals that correct name of the plaintiff is **Muhammad Naveed** and correct name of the father of the plaintiff is **Abdullah**. The real father of the plaintiff namely Abdullah appeared and recorded his statement as PW-2. The


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said father verified that his name was wrongly entered in the CNIC of the plaintiff, which is against the facts as he is the father of the plaintiff. Interestingly, Aadil, the twin brother of the plaintiff appeared and recorded his statement as PW-3 and stated that the real name of the plaintiff is **Muhammad Naveed** and real father name of the plaintiff is **Abdullah**, while defendants have wrongly mentioned his name as Naveed Khan and his father name as Rabia Khan in his CNIC. The real father and brother of the plaintiff are in good position to tell the real name of the plaintiff and father of the plaintiff. Moreover, PWs are the best available evidence upon whom this court can easily rely. The said factum has not been shattered by the defendants in evidence. The same are not rebutted by any documents by the defendants; hence, the said documents are admissible in evidence, which is relied upon in present circumstances. Nothing is produced in rebuttal by the defendants.


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Senior Civil Judge
Orakzai at Hangu

Taking wisdom from the case law reported in **PLD 2003 Supreme Court page 849**, *“wherein it has been mentioned by the honorable Supreme Court of Pakistan that the best evidence to prove this fact (age or date of birth) was of those person who would have an ordinary course of life having personal knowledge. Statement of mother is at high pedestal as compared to other as she has given birth to him.”*

In circumstances, the evidence of the father of the plaintiff is the best available evidence, who have got personal knowledge regarding the correct information of the plaintiff. Hence, reliance is placed on the above judgement. Even otherwise, it is the fundamental right of the plaintiff to correct his name and his father name in the CNIC, which cannot be denied to him. Moreover, it is even in the interest of NADRA to have correct database of the citizens of Pakistan including the present plaintiff. If the name of the plaintiff and father name of the plaintiff is not corrected, it would serve no purpose. In addition to, there is no legal bar on such correction and if the names are corrected it would not affect the right of any third person. Hence, claim of the plaintiff, as mentioned above, is proved through cogent and reliable evidence. Hence, the issue in hand is decided in affirmative.


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Senior Civil Judge,
Gakral, Hangu.

Issue No. 02:

The instant suit is for declaration and the limitation for the instant suit is 06 years. As per the available record, suit of the plaintiff is within time. Onus of proof was upon the defendants to establish that suit is barred by time. However, nothing is produced by the defendants in this regard and the onus has not been discharged by the defendants. Resultantly, the issue in hand is decided in negative.

Issue No. 01 & 04:

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.

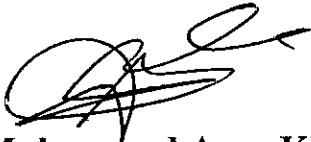
The issues are decided in positive.

Relief:

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record and issue CNIC to the plaintiff with his correct name as **Muhammad Naveed** and his father as **Abdullah**. Parties are left to bear their own costs.


14. File be consigned to the record room after its completion.

Announced
13/11/2019


(Muhammad Ayaz Khan)
Senior Civil Judge,
Orakzai at Baber Mela

CERTIFICATE

Certified that this judgment of mine consists **06** (six) pages, each has been checked, corrected where necessary and signed by me.


(MUHAMMAD AYAZ KHAN)
Senior Civil Judge,
Orakzai (at Baber Mela).