

Case Title: Munawar Khan VS Nadra

Or-----07
10/12/2019

Counsel for plaintiff present.
Representative for the defendants present.

Defendant's evidence recorded and closed. Arguments heard. File to
come up for order on 18/12/19.

Muhammad Imtiaz
Civil Judge-II
Orakzai (Babar Mela)
(M. Imtiaz)
Civil Judge -II, Orakzai

Or-----08
18/12/2019

Counsel for plaintiff present.
Representative for the defendants present.

Vide my detail judgement separately placed on file consisting of 05
pages. It is ordered that:

1. As plaintiff failed to prove his case through cogent and reliable
evidence the same is hereby stands dismissed at the cost of Rs.1000/-
2. File be consigned to record room after its necessary completion.

ANNOUNCED:
18/12/2019

Muhammad Imtiaz
Civil Judge-II
Orakzai (Babar Mela)
(M. Imtiaz)
Civil Judge -II, Orakzai

بیکر جم 18/12/19
اصد یونس

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DECREE SHEET

IN THE COURT OF MUHAMMAD IMTIAZ CIVIL JUDGE-II ORAKZAI

Suit No. 86/1 of 2019

Date of institution.....21.10.2019

Date of decision18.12.2019

1. **Munwar Khan S/O Munawar Din, R/O Section: Buland Kheil, Sub-Section: Lodhyani, Tehsil Ismael Zai, District Orakzai. Presently Muhalla Meer Karim Jan. Thal, District Hangu.**

..... (Plaintiff)

VERSUS

- (1) Registrar General Nadra, Islamabad
(2) Deputy Registrar General Nadra Hayat Abad Peshawar, KPK
(3) Assistant Registrar General Nadra District Orakzai at Hangu.

.....(Defendants)

SUIT FOR DECLARATION, PERPETUAL AND MANDATORY INJUNCTION

This suit coming on the date 18th day of December 2019 for final disposal before me, in presence for the counsel for the plaintiff and representative of defendants. It is ordered that Keeping in view my detail judgement separately placed on file consisting of 05 page that:-

“As plaintiff failed to prove his case through cogent and reliable evidence the same is hereby stands dismissed at the cost of Rs.1000/.”

COSTS OF SUIT

| PLAINTIFF | CONTENTS | DEFENDANT |
|-----------|--------------------|-----------|
| | Stamp on suit | |
| | Pre-emption amount | |
| | Commission fee | |
| | Stamp of power | |
| | Proclamation fee | |
| | Witness expensive | |
| | Miscellaneous | |
| | Total | |

Note: Given under my hand signature and seal stamp of this court on 18th day of, December, 2019.

18.12.19
Muhammad Imtiaz
Civil Judge, Orakzai at (Babar Mela)

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defendant's record his father name is recorded as "غازی مست خان" and date of birth is recorded as *01.01.1991* which is wrong, clerical mistake and liable to be corrected.

2. Defendant were summoned through the Process of the Court upon which they appeared, through representative Mr. Farhat Abbas filed Written Statement and denied the claim of the plaintiff and objected the same on so many legal and factual grounds.

3. Pleadings of the parties were reduced to as many as in the following Consolidated issues.

ISSUES:

- i. *Whether the plaintiff has got the cause of action? OPP*
- ii. *Whether suit of the plaintiff is bad in its present form? OPD*
- iii. *Whether correct date of birth of plaintiff is 01/01/1995 whereas defendants have wrongly recorded the same in their record as 01/01/1991? OPP*
- iv. *Whether correct name of plaintiff father is "مور دین" whereas defendants have wrongly recorded the same in their record as "غازی مست خان"? OPP*
- v. *Whether the plaintiff is entitled to the decree as prayed for? OPP*

Relief

4. Parties were provided with an opportunity to produce their respective evidence who accordingly produced them as follows:

5. **PW-01** one Naeed Begum W/O Munawar Din appeared as PW-01. Recorded her statement on oath. Submitted that plaintiff is her son. Supported the plaintiff's version as per plaint. Submitted copy of her

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CNIC as Ex.PW 01/01. Prayed for grant of decree to plaintiff as prayed for.

6. PW-02 Plaintiff himself appeared as PW-02. Recorded his statement on oath. Submitted copy of his CNIC, copy of his Domicile Certificate, copy of Munawar Din CNIC as Ex.PW 01/02, Ex.PW 02/02, Ex.PW 03/02 (Original seen and returned) respectively.

7. PW-03 One Khan Badshah S/O Khan appeared as Pw-03. Recorded his statement on Oath. Submitted Copy of his CNIC as Ex.Pw-03/01. Supported Plaintiff's version and prayed for granting Decree in favour of the Plaintiff.

8. Then after Plaintiff closed his evidence. On the other hand, Defendants produced the following evidence.

9. DW-01 Representative of the defendants Mr. Farhat Abbas appeared as DW-01, recorded his statement on oath. He submitted CNIC processing form of the plaintiff, Form "B", family tree of Ghazi Mast Khan, family tree of Munawar Din as EX. DW 1/1, EX DW-1/2, EX DW-1/3 and EX. DW 1/4 respectively. Evidence of the Defendant then closed

10. With the valuable assistance of learned counsel for the parties, I have gone through the record. My issue wise findings are as under: -

Issue No. 02:- Whether suit of the plaintiff is bad in its present form? OPD

11. Perusing the case file and going through the evidence recorded by the parties' defendants fail to point out any defect or illegality in the form of the suit.

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Mela

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12. Hence above issued is decided in "Negative"

Issue No.03:- *Whether correct date of birth of plaintiff is 01/01/1995 whereas defendants have wrongly recorded the same in their record as 01/01/1991? OPP*

13. Onus to prove this issue is upon the plaintiff.

14. To discharge his burden, plaintiff himself along with other PW's relied upon overall evidence but failed to produce any documentary evidence in his support. Even the oral evidence emphasis more on correction of his father name rather than D.O.B. there is nothing in the case file to support this issue of the plaintiff.

15. For what has discussed above this issue is decided in "Negative".

Issue No.04:- *Whether correct name of plaintiff father is "نور دین" whereas defendants have wrongly recorded the same in their record as "غازی مست خان" ? OPP*

16. Onus to prove this issue is upon the plaintiff.

17. To discharge his burden, plaintiff along with oral evidence also produce his domicile certificate dated 04/10/2019 as EX.PW2/2. But the same cannot be relied upon for the reason that under Article 72 of QSO 1984 the contents of the documents may be proved by Primary or Secondary evidence. *Not only the document itself should be produced in evidence but its contents and signature of the person who allegedly prepared the documents should also be proved. [2002 YLR 96].* Which Plaintiff failed to produce and prove.

18. Even PW 01 and 03 admitted their evidence that plaintiff deliberately and not by mistake mentioned Ghazi Mast Khan as his

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father. It is also fact that every information given to Nadra office is also on oath. It is the golden rule of law that “ *falsus in uno, falsus in omnibus*”.

19. Even as plaintiff claim that his father name is **منور دین** and not **غازی مست خان** but failed to produce any of them in his support.

20. For what has discussed above this issue is decided in “**Negative**”.

Issue No.01:- Whether plaintiff has got the cause of action? OPP

Issue No.04:- Whether the plaintiff is entitled to the decree as prayed for? OPP

21. Both issues are inter-related, will be decided together. On the basis of discussion, while deciding issue No.03 and 04, Plaintiff has **NOT** got cause of action. Plaintiff is **NOT** entitled to the decree as prayed for.

22. Hence both issued are decided in “**Negative**”.

Relief

23. As plaintiff failed to prove his case through cogent and reliable evidence the same is hereby stands dismissed at the cost of Rs.1000/- .File be consigned to record room after its necessary completion.

ANNOUNCED:
18/12/2019


MUHAMMAD IMTIAZ
CIVIL JUDGE-II, ORAKZAI
18/12/2019
(Bahar Mela)

CERTIFICATE

Certified that this judgment consists of five (05) pages and each page is read over, checked and corrected wherever necessary.


MUHAMMAD IMTIAZ
CIVIL JUDGE-II, ORAKZAI
18/12/2019
(Bahar Mela)