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

Civil Suit No. 27/1 of 2020  
Date of Original Institution: 03/03/2020  
Date of Decision: 21/09/2020

1. *Nek Marjan S/O Gul Rehman R/O Drangi, Qoum Rabia Khel, Tappa Babi Khel, Tehsil Upper, District Orakzai.*

*(Plaintiff)*

**VERSUS**

1. *Chairman NADRA, Islamabad, Pakistan.*
2. *Director General NADRA, KPK, Peshawar.*
3. *Assistant Director, NADRA, District Orakzai.*

**Through**

*Assistant Director NADRA, Orakzia.....*

*(Defendants)*

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

**JUDGEMENT:**

1. Plaintiff Nek Marjan has brought the instant suit for declaration-cum-permanent injunction against defendants Chairman NADRA, Islamabad, Pakistan, Director General NADRA, Peshawar, KPK, through Assistant Director, District Orakzai seeking therein that the correct name of his mother is Shinaka whereas the defendants have wrongly entered the same as Bibi instead of Shinaka, 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

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the name of the mother 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 plaintiff has got cause of action?*
2. *Whether the plaintiff is estopped to sue?*
3. *Whether suit of the plaintiff within time?*
4. *Whether the correct name of the plaintiff's mother is Shinaka while the defendants have wrongly entered the same as Bibi in his CNIC?*
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 the 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.

  
Rehmat Ullah Waris  
Civil Judge (1st Class)  
District Court (Faisalabad)

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**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 03.03.2020. Thus, the same is well within time. The issue is decided in positive.

**Issue No. 04:**

The plaintiff alleged in his plaint that the correct name of the plaintiff's mother is Shinaka whereas the defendants have wrongly entered the same as Bibi instead of Shinaka, 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 the mother's name 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 CNIC which is Ex.PW-1/1, copy of CNIC of his mother as Ex.PW-1/2, copy

Reference to the Court  
Order dated 03/03/2020

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of CNIC of his brother as Ex.PW-1/3, copy of CNIC of his second brother namely Ghazi Rehman as Ex.PW-1/4, copy of CNIC of his father as Ex.PW-1/5, copy of CNIC of his maternal uncle as Ex.PW-1/6, copy of CNIC of his sister namely Siyal Bibi as Ex.PW-1/7 and his Family Registration certificate (FRC) as Ex.PW-1/8. Further, narrated the same story as in the plaint. Further, brother of the plaintiff namely Gul Marjan appeared as PW-02, who supported the stance of the plaintiff by narrating the same story as in the plaint. Further, Juma Gul s/o Yaghoon Shah (relative) appeared as PW-03 and narrated the same story as in the plaint. All the witnesses have been cross examined but nothing tangible 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 produced the CNIC Processing Form and Family Tree of the plaintiff which are Ex. DW-1/1 and Ex. DW-1/2 respectively. But admitted in his cross examination that that the correct name of the mother of the sisters of plaintiff in Family Tree is Shinaka and Gul Rehman is the name of the husband of Shinaka .

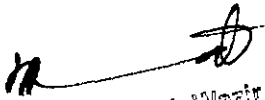
Arguments heard and record perused.

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After hearing of arguments and perusal of record I am of the opinion that the evidence, so produced, by the plaintiff is sufficient to prove his contention to be true. Moreover, the representative of the defendants have admitted the stance of the plaintiff in his cross examination as DW-1. Further the defendants have not been able to rebut the claim of the plaintiff through solid and confidence inspiring evidence. The issue is 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.

  
Rehmat Ullah Waris  
Civil Judge (Jd) I  
Ordnance (District Court)

**RELIEF:**

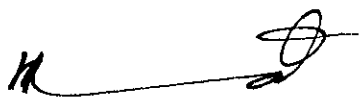
As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for with no order as to costs.

Defendants are directed to issue CNIC to the plaintiff as per his correct mother's name i.e Shinaka.

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

**Announced**  
21/09/2020

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

**CERTIFICATE**

Certified that the judgment of mine consists of six (06) 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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# DECREE SHEET

## IN THE COURT OF REHMAT ULLAH WAZIR CIVIL JUDGE-I ORAKZAI

Suit No. 27/1 of 2020

Date of institution.....03-03-2020

Date of decision .....21-09-2020

(1)Nek Marjan S/O Gul Rehman  
Residence Drangi , Qoam rabia khel, Tappa Babi khel Tehsil Upper District  
Orakzai ..... (Plaintiff)

### **VERSUS**

(1) Chairman NADRA, Islamabad, Pakistan  
(2)Director General NADRA, KPK, Peshawar  
(3)Assistant Director, NADRA, District Orakzai  
Through  
Assistant Director NADRA, District Orakzai

.....(Defendant)

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

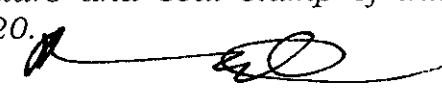
1. This suit coming on the date 3<sup>rd</sup> day of March 2020 for final disposal before me, Vide my detailed judgement of today, consist of 06 pages, the suit of the plaintiffs is decreed in favour of plaintiff and against the defendants as prayed for with is No order is to Cost.
2. Suit is disposed off as per the amended rules of CPC.
3. File be consigned to Record room after completion.

**Announced**  
**21/09/2020**

### **COSTS OF SUIT**

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

Note: Given under my hand signature and seal stamp of this court on 21<sup>th</sup> day of, September, 2020.

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