# IN THE COURT OF SAMI ULLAH,
Civil Judge-I, Orakzai at Baber Mela

Civil Suit No. 20/1 of 2023
Date of Institution: 20/03/2023
Date of Decision: 22/06/2023

**Najeeb Ur Rehman S/O Jehan Shareef.**
R/O Qoam Mamozai, Tappa Sepaye, Hawas Khel, Ghiljo, District Orakzai.
.....**(Plaintiff)**

**VERSUS**

1. **Chairman Nadra, Islamabad**
2. **Director General Nadra, Peshawar**
3. **Assistant Director Nadra, District Orakzai.**

..... **(Defendants)**

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**JUDGEMENT:**

1. Plaintiff **Najeeb Ur Rehman** has brought the instant suit for declaration-cum-permanent injunction against defendants, seeking therein that his correct father's name is **Jehan Shareef** but the defendants have wrongly incorporated his father's name as Imam Din. Furthermore, the correct mother's name of the plaintiff is **Wahid Bibi** but defendants have also wrongly incorporated his mother's name as Multana Bibi in their record which is wrong and ineffective upon his rights and are liable to correction. The defendants were asked time and again for correction of father's and mother's names of plaintiff but they refused to do so, hence the present suit;

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2. Defendants were summoned, they appeared before the court through their representatives and contested the suit by filing their written statement, wherein various legal and factual objections were raised.

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 is within time?**
4. **Whether the correct father name of the plaintiff is Jehan Shareef?**
5. **Whether the correct mother name of plaintiff is Wahid Bibi?**
6. **Whether the plaintiff is entitled to the decree as prayed for.**
7. **Relief.**

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4. Parties were given ample opportunity to produce evidence which they did accordingly.

Issue wise findings of this court are as under: -

**Issue No. 02:**

**Whether the plaintiff is estopped to sue?**

5. The contesting 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:**

**Whether suit of the plaintiff is within time?**

6. The contesting defendants in their written statement raised the objection that suit of the plaintiff is time barred but 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 **20.03.2023**. Thus, the same is well within time. The issue is decided in positive.

**Issue No. 04 and 05:**

**Whether the correct father name of the plaintiff is Jehan Shareef?**

**Whether the correct mother name of plaintiff is Wahid Bibi?**

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7. The plaintiffs alleged in his plaint that correct father and mother name of the plaintiff is **Jehan Shareef** and **Wahid Bibi** while the defendants have wrongly entered the same as Imam Din and Multana Bibi, which is wrong, ineffective upon the rights of the plaintiff and liable to correction.

8. The plaintiff produced two witnesses and appeared himself in his favour, who recorded their statement and testified that the correct father's and mother's names of plaintiff is **Jehan Shareef** and **Wahid Bibi**.

9. The plaintiff himself appeared as PW-1, recorded his statement that my correct father's and mother's name is **Jehan Shareef** and **Wahid Bibi**. He stated that the defendants have wrongly mentioned the same as Imam Din and Multana Bibi. He further stated that his parents have passed away. Death Certificate of his father and mother and his CNIC are Ex.PW-1/1 to Ex.PW 1/3.

10. PW-02 namely Alam Din recorded in his statement that plaintiff is his cousin and he testified the claim and contention of the plaintiff. He also stated that the parents of plaintiff have died. His CNIC is Ex.PW-2/1.PW-02 recorded in his cross-examination that his father had a brother namely Jehan Shareef. Furthermore, the mother of the plaintiff namely Wahid Bibi is also sister of mother of PW-02.

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11. PW-03 namely Hassan Din recorded in his statement that plaintiff is his Nephew and his correct father's and mother's name is **Jehan Shareef** and **Wahid Bibi**. Where defendants have wrongly incorporated the same in their record. His CNIC is Ex.PW-3/1.

12. In order to counter the claim of the plaintiff, the contesting defendants produced only one witness, Mr. Irfan Ali, the representative of the contesting defendants appeared as DW-1. He produced family tree which is Ex. DW-1/1. According to this document, plaintiff's father and mother name is Imam Din and Multana Bibi. DW-01 in his cross examination admitted that father's and mother's name of plaintiff in Ex.PW-1/1 and Ex.PW-1/2 is **Jehan Shareef** and **Wahid Bibi**. It is correct that according to the SOP of Nadra the correction of the names of the parents are possible subject to the condition that one of the family members will do verification of the applicant.

13. Arguments heard and record perused.

14. After hearing of arguments and perusal of record I am of the opinion that the stance of the plaintiff is supported by the evidence which he produced. PW-02 who testified in favour of the plaintiff belong from the family tree from which the plaintiff wants to delete his name. The said PW stated in his examination that the plaintiff is not his brother rather he is his cousin. It is pertinent to mention here that according to the SOPs of Nadra, verification is needed from one person amongst family members in whose family tree, the plaintiff wants to insert his name but since there is no one in the said family tree, hence, reliance is placed on the statements of the PWs.

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15. Thus, in the light of the aforesaid findings, the issues are decided in positive and this court is of the opinion that the correct fathers and mothers of the plaintiff is **Jehan Shareef** and **Wahid Bibi**.

**Issue No. 01 &06:**

**Whether plaintiff has got cause of action?**

**Whether the plaintiff is entitled to the decree as prayed for.**

16. Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 4 and 5 the plaintiff has got cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

**RELIEF:**

17. As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for, defendants are directed to correct the father's and mother's name of the plaintiff as **Jehan Shareef** and **Wahid Bibi** in their record.

18. Parties are left to bear their own cost.

19. Decree sheet be drawn up accordingly.

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

**Announced**
**22.06.2023**

**Sami Ullah**
Civil Judge-I,
Orakzai at Baber Mela.

## CERTIFICATE

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

Sami Ullah

**Sami Ullah**
Civil Judge-I,
Orakzai at Baber Mela.