

IN THE COURT OF BAKHT ZADA,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No.	39/1 of 2023
Date of Institution:	19.09.2023
Date of Decision:	27.10.2023

*Abdul Haq S/O Zewar Shah R/O Qaum Ali Khel, Tappa Jasrat Khel,
Tehsil Upper, District Orakzai*

(Plaintiff)

VERSUS

1. Registrar General NADRA, Islamabad.
2. Deputy Registrar General, Peshawar.
3. Assistant Director NADRA, Orakzai.

(Defendants)

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

JUDGEMENT:

27.10.2023

1. Plaintiff Abdul Haq has brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that his father's correct name is Zewar Shah and his mother's correct name is Mst. Wazir Jan Bibi, but the same have been wrongly entered in his record with the defendants as Mir Badshah and Bibi Rab Jan. It is alleged that Mir Badshah and Bibi Rab Jan are his uncle and aunt (ٲٲ). He prayed for correction in his record with the defendants. The defendants were asked time and again to do the needful, but they refused to do so, hence, the present suit;

Saeed
BAKHT ZADA
Senior Civil Judge/JM
Orakzai at Baber Mela

2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing authority letter and their written statement.

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

Issues:

1. *Whether the plaintiff has got cause of action?*
2. *Whether the suit of the plaintiff is within time?*
3. *Whether the correct name of the father of the plaintiff is Zewar Shah and mother name of the plaintiff is Wazir Jan Bibi and the defendants have wrongly entered the same as Mir Badshah and Bibi Rab Jan?*
4. *Whether plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;

4. **PW-01:** Syed Baz S/O Mohsin appeared as PW-01 and stated that plaintiff is his nephew and Mst. Wazir Jan Bibi is the aunt of the plaintiff. He requested for decree of suit as prayed for in favour of plaintiff.

5. **PW-02,** is the statement of the Muhammad Savid S/O Mir Badshah. He is cousin of the plaintiff. He supported the stance of the plaintiff and stated that in CNIC of the plaintiff, the name of his father is wrongly entered as Mir Badshah instead of Zewar Shah. He further clarified that he himself is son of Mir Badshah and Mst. Bibi Rab Jan.

Copy of his CNIC is Ex.PW-2/1.

Janet
BAKHT ZADA
 Sd/- or Civil Judge JM
 Orakzai at Baber Mela

6. PW-03, plaintiff himself appeared as PW-03, he repeated the contents of the plaint and requested for decree of the suit in his favour.

Ex. PW-1/1 to Ex. PW-3/4: NADRA documents.

7. On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01. He produced family tree which is Ex. DW-1/1. He requested for dismissal of the suit.

After closing of evidence of the parties, arguments of the learned counsel for the parties were heard and available record perused.

My Issue wise findings are as under: -

Issue No. 02:

Plaintiff has been issued CNIC on 24.11.2016 with expiry date of 24.11.2020 while suit in hand was filed on 19.09.2023. In plethora of judgements of the superior courts, it is held that every wrong entry will accrue fresh cause of action. As period of limitation under Article 120 of Limitation Act is six years and CNIC of plaintiff has already been expired on 24.11.2020 and the defendants are bent upon not issuing him with new CNIC, therefore, suit of plaintiff is held to be within time. Issued decided in positive.

Issue No. 03:

Plaintiff has alleged in his plaint that correct name of his father is Zewar Shah, while the same has been wrongly entered as Mir Badshah in his record with the defendants. Similarly, correct name of his mother is Wazir Jan Bibi, while the same

Samer
BAKHT ZADA 23
Senior Civil Judge/JM
Orakzai at Baber Melan

has been wrongly entered as Bibi Rab Jan in his record with the defendants. Defendants in their written statement have alleged that plaintiff has been issued CNIC with the father name as Mir Badshah and mother name as Bibi Rab Jan.

PW-02, Syed Baz S/O Mohsin, who is real maternal uncle of the plaintiff affirmed that father's name of plaintiff is Zewar Shah (deceased) and his mother's name is Mst. Wazir Jan Bibi who is his real sister and wife of Zewar Shah (deceased). The statement of Muhammad Savid PW-02 is also of paramount importance on the ground that he is son of Mir Badshah and Mst. Bibi Rab. He stated that in the record of the plaintiff with the defendants, the name of his parents have been entered instead of names of real father and mother of the plaintiff. He also affirmed that correct name of the father of the plaintiff is Zewar Shah and his mother's name is Mst. Wazir Jan Bibi. He also stated that such wrong entry will affect the life of the plaintiff as well as his own. It is now clear from the statement of PW-02 that wrong entries have been made in the CNIC and record of the plaintiff with the defendants. PW-02 is the son of Mir Badshah and Mst. Bibi Rab Jan while PW-01 is the brother of Mst. Wazir Jan Bibi and their statements carries weight.

There is nothing in rebuttal to shatter the statements of PW-01 and PW-02. During cross-examination nothing adverse has been brought on record. After recording such an authentic evidence in support of the stance of the plaintiff, it will be detrimental to

BAKHT ZADA
Senior Civil Judge
Orakzai at Baber
27-1-2016

(31)

the fundamental rights of the plaintiff if the desired correction is not made. Issue is decided in favour of plaintiff accordingly.

Issue No. 01 & 04:

Both these issues are interlinked, hence, taken together for simultaneous discussion.

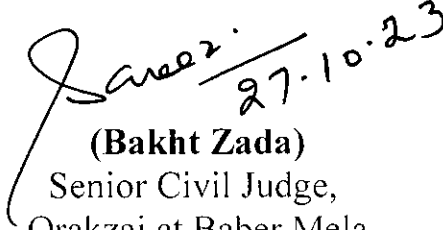
As sequel to my findings on issue No. 03, the plaintiff has proved through cogent evidence that correct father name of plaintiff is Zewar Shah instead of Mir Badshah and correct mother name of plaintiff is Wazir Jan Bibi instead of Bibi Rab Jan. Issue No. 01 & 04 are decided in positive.

RELIEF:

As sequel to my above issue-wise findings, the plaintiff proved his case through cogent evidence, therefore suit of the plaintiff is hereby decreed as prayed for with no order as to cost.

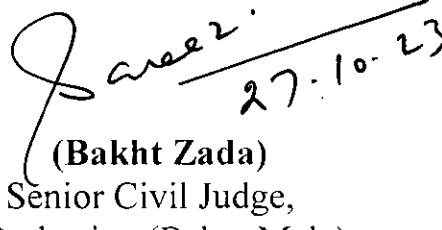
File be consigned to the Record Room after its completion and compilation.

Announced
27.10.2023


(Bakht Zada)
Senior Civil Judge,
Orakzai at Baber Mela

CERTIFICATE

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


(Bakht Zada)
Senior Civil Judge,
Orakzai at (Baber Mela)