

**IN THE COURT OF FARMAN ULLAH,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No. 33/1 of 2021
Date of Institution: 06/04/2021
Date of Decision: 08/11/2021

Naseem Badshah S/o Razeem Badshah

Section Ali Khel, Sub Section Sher Khel, Shenoni, Tehsil Upper & District Orakzai..... (Plaintiff)

VERSUS

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

(Defendants)


SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

JUDGEMENT:

08.11.2021

Brief facts of case in hand are that the plaintiff, **Naseem Badshah S/o Razeem Badshah**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his parents correct names are "**Razeem Badshah (Father)**" and "**Ezat Khela**" (Mother) while defendants have wrongly mentioned the same as "**Shereen Badshah**" and "**Khwaga Meena**" in their record, which are incorrect and liable to be corrected. That Shereen Badshah is the uncle while Khwaga Meena is the aunt of the plaintiff.

That defendants were repeatedly asked to correct his parents name but they refused. Hence, the present suit.


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Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.

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

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct parents names of the plaintiff are “**Razeem Badshah**” and “**Ezat Khela**” while defendants have wrongly mentioned the same as “**Shereen Badshah**” and “**Khwaga Meena**” in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 to PW-3.

6. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the processing form and family tree as Ex. DW-1/1 to Ex. DW-1/2.
7. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
8. My issues wise findings are as under:

Issue No.02:

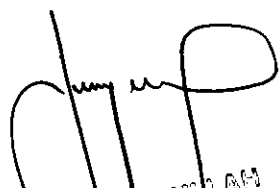
Plaintiff contended in his plaint that his parents correct names are “**Razeem Badshah**” and “**Ezat Khela**” but inadvertently the


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same are recorded as “**Shereen Badshah**” and “**Khwaga Meena**”. Hence, the record is liable to be corrected.

Plaintiff in support of his contention appeared as PW-1 and repeated the contents of the plaint in his examination in chief. He also produced his Domicile certificate as Ex.PW-1/2 PW-2, Saminat Khan stated in his examination in chief that plaintiff is his relative as well as his co-villager and the correct name of the parents of the plaintiff are “**Razeem Badshah**” and “**Ezat Khela**” while Shereen Badshah is the uncle and Khwaga Meena is the aunt of the plaintiff. He produced and exhibited his CNIC as Ex.PW-2/1. PW-3, Khwaga Meena stated in her examination in chief that the correct names of the parents of the plaintiff are “**Razeem Badshah**” and “**Ezat Khela** while Shereen Badshah is her husband and uncle of the plaintiff. PW-1 to PW-3 were subjected to cross examination but nothing substantial was brought on record which could have shattered their testimony rather they remained consistent regarding the facts uttered by them in their examination in chief. So, the evidence produced by the plaintiff clearly establishing that correct names of the parents of the plaintiff are “**Razeem Badshah**” and “**Ezat Khela**” while the names mentioned “**Shereen Badshah**” and “**Khowaga Meena**” as parents of the plaintiff in record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.


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Issue No. 01 & 03:

These issues are taken together. For what has been held in issue No.2, this court is of the opinion that plaintiff has got cause of action and is also 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 by incorporating the parent's names of plaintiff as "Razeem Badshah" and "Ezat Khela" in their record. Parties are left to bear their own costs.

9. File be consigned to the record room after its completion and compilation.

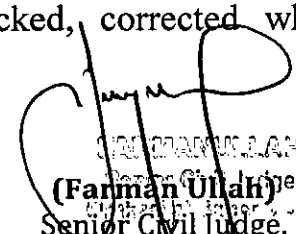
Announced
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Senior Civil Judge
Orakzai at Baber Mela
(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).

CERTIFICATE

Certified that this judgment of mine consisting of 04 (four) pages, also including this page, each has been checked, corrected where necessary and signed by me.



FARMANULLAH
(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).