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

Civil Suit No. 56/1 of 2021
Date of Institution: 16/10/2021
Date of Decision: 21/02/2022

Zia ur Rehman s/o Hameed Khan

r/o Speen Khawray, Hangu Tehsil & District Hangu
(Plaintiff)

VERSUS


1. **Chairman, BISE, Peshawar.**
2. **District Education Officer, District Orakzai.**
3. **Govt; High School Gulistan Samana, District Orakzai**
4. **Govt; Primary School Gulistan Samana, District Orakzai**
(Defendants)

SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

JUDGEMENT:

21.02.2022

Brief facts of the case in hand are that the plaintiff, **Zia ur Rehman s/o Hameed Khan**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his name is **Zia ur Rehman**, which has been correctly recorded in his CNIC and service record while defendants have wrongly mentioned the same in their record as **Zawal Rehman**, which is incorrect and liable to be corrected. That the earlier the name of plaintiff was **Zawal Rehman**, which plaintiff changed to **Zia ur Rehman** as **Zawal Rehman** has no meaning and also not liked by plaintiff and thus the name of plaintiff was incorporated as **Zia-ur-Rehman** in his CNIC as


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well as in service record. That defendants were also asked to incorporate the name of plaintiff as Zia ur Rehman instead of Zawal Rehman in their record but they refused. Hence, the present suit.

1. Defendants were summoned, on which initially defendants No. 3 and 4 appeared through school representative while defendant No. 1 and 2 served personally but remained absent and thus proceeded ex-parte.
2. Later on, defendant No. 1 submitted an application for setting aside ex-parte proceeding, which was accepted and ex-parte proceedings were set aside on 08.12.2021.
3. Defendant No.1 contested the suit of plaintiff by submitting written statement, wherein, the suit of plaintiff was objected on various grounds.
4. During proceedings the defendant No. 1 again remained absent and proceeded ex-parte on 12.01.2022 but later on defendant No. 1 again submitted an application for setting aside ex-parte proceeding, which was accepted and ex-parte proceedings were set aside on 26.01.2022.
5. Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct name of the plaintiff is **Zia ur Rehman** while it has been wrongly entered as **Zawal Rehman** in the record of defendants?

3. Whether Plaintiff is entitled to the decree as prayed for?
4. Relief.
6. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-01 to PW-03 While defendant No.1 recorded the statement of Muhammad Asim, record keeper as DW-01 before the court.

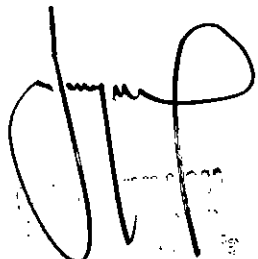
After conclusion of the evidence arguments pro and contra heard. Case file gone through.

My issues wise findings are as under:

Issue No.02:

Plaintiff contended in his plaint that his correct name is **Zia ur Rehman**, which is correctly recorded in his CNIC and service record but the same has been recorded as **Zawal Rehman** in the record of defendants. Hence, the record is liable to be corrected.

Plaintiff in support of his contention appeared as PW-3, who repeated the contents of plaint in his examination in chief. He produced his CNIC and service card as Ex.PW-3/1 and Ex.PW-3/2 respectively. PW-1, Hameed ur Rehman, who is the brother of plaintiff stated in his examination in chief that correct name of the plaintiff is Zia ur Rehman as plaintiff has changed his name from Zawal Rehman to Zia ur Rehman. He produced and exhibited his CNIC as Ex.PW-1/1.


21.2.22

PW-02, Sayed Rehman, is the brother of plaintiff. He also repeated the same facts as uttered by PW-01.

Ex.PW-3/1 is the CNIC while Ex.PW-3/2 is the service card of the plaintiff. The perusal of both the documents reflect that name of plaintiff has been recorded as Zia ur Rehman. Moreover, PW-01 to PW-03 also categorically stated in their examination in chief that correct name of the plaintiff is Zia ur Rehman as he has changed his name from Zawal Rehman to Zia ur Rehman. PW-01 to PW-03 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. The testimony of PWs, CNIC and service card corroborate each other and there is nothing in rebuttal. So, the oral and documentary evidence produced by the plaintiff establishes that the correct name of the plaintiff is now Zia ur Rehman instead of Zawal Rehman. Hence, issue No. 2 is decided in positive.

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 he is also entitled to the decree as prayed for.

The issues are decided in positive.

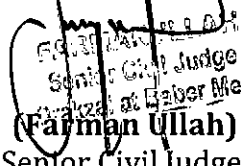
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Relief:

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the name of the plaintiff as **Zia ur Rehman** in their record. Parties are left to bear their own costs.

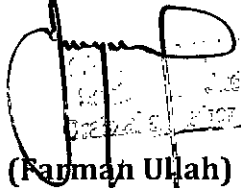
File be consigned to the record room after its completion and compilation.

Announced
21/02/2022


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Orakzai (at Baber Mela).

CERTIFICATE

Certified that this judgment of mine consisting of **05** (five) pages (including this page), each has been checked, corrected where necessary and signed by me.


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