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

Civil Suit No. 69/1 of 2021
Date of Institution: 10.11.2021
Date of Decision: 30.06.2022

1. Gul Marjan s/o Torab Shah R/O Qoum Mamozai, Tappa Abdur Rehim
Khel, Tor Samat, Tehsil Upper, District Orakzai.

(Plaintiff)

VERSUS

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

(Defendants)

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

JUDGEMENT:

1. Plaintiff Gul Marjan has brought the instant suit for declaration-cum-perpetual and mandatory injunction against the defendants, seeking therein that the correct names of parents of the plaintiff are Torab Shah (father) and Zarat Bibi (mother), whereas, defendants have wrongly entered the same as Fazal Noor and Fazila Bibi in their record instead of Torab Shah (father) and Zarat Bibi (mother), 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 parents' names of the plaintiff but they refused to do so, hence the present suit;

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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 the plaintiff has got cause of action?*
2. *Whether the correct names of the parents of the plaintiff are Torab Shah (father) and Zarat Bibi (mother) while it has been wrongly entered as Fazal Noor (father) and Fazila Bibi (mother) by the defendants?*
3. *Whether the plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

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

Issue wise findings of this court are as under: -

Issue No. 02:

4. The plaintiff alleged in his plaint that the correct names of parents of the plaintiff are Torab Shah (father) and Zarat Bibi (mother), whereas, defendants have wrongly entered the same as Fazal Noor and Fazila Bibi in their record instead of Torab Shah (father) and Zarat Bibi (mother), 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

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correction of the parents' names of the plaintiff but they refused to do so, hence the present suit;

5. Plaintiff in support of his contention produced witnesses, in whom the plaintiff himself appeared as PW-01 and narrated the same story as in the plaint and produced the copy of his, CNIC, which is Ex. PW-1/1. Further, the one Ali Khan, the relative of the plaintiff, appeared as PW-02 who narrated the same story as in the plaint and produced the copy of his CNIC which is Ex.PW-2/1. Further, Mr. Mewa Jan, co-villager, appeared as PW-03, who also narrated the same story as in the plaint and produced the copy of his own CNIC as Ex.PW-3/1. All these witnesses have been cross-examined but nothing tangible has been extracted out of them during cross-examination.

The defendants produced only one witness, the record keeper of NADRA, Orakzai appeared as DW-01, who produced the CNIC Processing Detail Form of the plaintiff and according to that the plaintiff registered the CNIC in 2010 for the first time whereas all the particulars were mentioned correctly in the record of the defendants. The copy of CNIC Processing Detail Form is Ex.DW-1/1. Further he produced the Family Tree of the plaintiff which is Ex.DW-1/2, but admitted in his cross examination that the CNIC of the plaintiff is

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blocked due to wrong entry of his parents' names whereas Deputy Commissioner, Orakzai has also directed to clear the same on ground verification.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff established his case through oral and documentary evidence. Also the defendants have no record of the old CNIC of the plaintiff which is the single piece of evidence alleged by the defendants against the plaintiff; therefore, the issue is decided in positive.

Issue No. 0 & 03:

Both these issues are interlinked, hence, taken together for discussion. As sequel to my findings on issue No. 02, the plaintiff has got a cause of action and therefore, entitled to the decree as prayed for. Both these issues are decided in positive.

RELIEF:

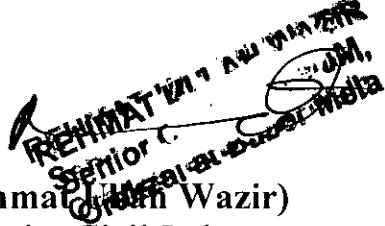
As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for with no order as to costs.

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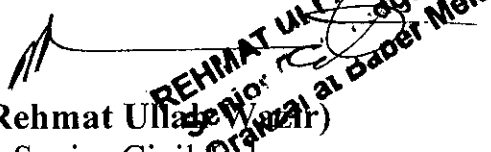
File be consigned to the Record Room after its completion and compilation.

Announced
30.06.2022


REHMAT ULLAH WAZIR
Senior Civil Judge, JM,
Orakzai (at Baber Mela)
(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

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


REHMAT ULLAH WAZIR
Senior Civil Judge, JM,
Orakzai (at Baber Mela)
(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)