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

Civil Suit No. 89/1 of 2021
Date of Institution: 15.09.2022
Date of Decision: 27.10.2022

1. **Sakhi Marjan wd/o Didan Gul**, R/O Qoum Ali Khel, Tappa Imal Khel,
Ghotak Khadizai, 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 Sakhi Marjan has brought the instant suit for declaration-cum-perpetual and mandatory injunction against the defendants, seeking therein that the correct name of her father is Akbar Khan and that of her mother is Gulaka, whereas, defendants have wrongly entered the same as Ghulam Nabi and Shaida in their record instead of Akbar Khan and Gulaka which is wrong, ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again for correction of the names of the parents of the plaintiff but they refused to do so, hence the present suit;

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

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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 time barred*
3. *Whether the correct names of the parents of the plaintiff is Akbar Khan (father) and Gulaka (Mother) while it has been wrongly entered as Ghulam Nabi (father) and Shaida (mother) in the record of defendants?*
4. *Whether the plaintiff is entitled to the decree as prayed for?*
5. *Relief?*

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

Issue wise findings of this court are as under: -

Issues No. 02:

The representative of defendants in his written statement raised his objection that suit of the plaintiff is time barred but I am the opinion that 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

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been filed on 15.09.2022. Thus, the same is well within time. The issue is decided in negative.

Issue No. 03:

4. The plaintiff alleged in her plaint that the correct name of her father is Akbar Khan and that of her mother is Gulaka, whereas, defendants have wrongly entered the same as Ghulam Nabi and Shaida in their record instead of Akbar Khan and Gulaka which is wrong, ineffective upon the rights of the plaintiff and is liable to correction. That the defendants were asked time and again for correction of the names of the parents of the plaintiff but they refused to do so, hence the present suit;

5. Plaintiff in support of her contention produced witnesses, in whom the plaintiff herself appeared as PW-01 and narrated the same story as in the plaint and produced the copies of Death Certificates of her father, Mother and husband, which are Ex. PW-1/1, Ex-PW-1/2 and Ex.PW-1/3 respectively. Further, produced the copy of her own CNIC and her husband CNIC which are Ex.PW-1/4 and Ex.PW-1/5 respectively. Further, the one Mehmood Khan s/o Akbar Khan, the brother of the plaintiff, appeared as PW-02, who supported the stance of the plaintiff by narrating the same story as in the plaint and produced the copy of his CNIC, which is Ex.PW-2/1. Further, the one Naseeb Gul, the son of the plaintiff, appeared as PW-

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03, who also supported the stance of the plaintiff by narrating the same story as in the plaint and produced the copy of his 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.

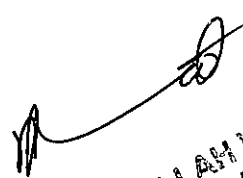
The defendants produced only one witness, the record keeper of NADRA, Orakzai who appeared as DW-01, and produced the Family Tree of the plaintiff and according to that the parent's names of the plaintiff are Gulam Nabi (father) and Shaida (mother) and whereas, marital status is mentioned as widow, but admitted in his cross examination that no brother and sister is mentioned in the family tree of the plaintiff and only the names of the parents of the plaintiff are available and there is no other proof. That the verification form of the plaintiff is not available.

Arguments heard and record perused.

After hearing of arguments and perusal of record, I am of the opinion that the plaintiff established her case through oral and documentary evidence. Also the defendants failed to produce a solid piece of evidence to counter down the claim of the plaintiff, therefore, the issue is decided in positive.

Issue No. 01 & 04:

Both these issues are interlinked, hence, taken


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together for discussion. As sequel to my findings on issue No. 03, 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 costs


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

Announced
27.10.2022


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