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

Civil Suit No. 53/1 of 2022
Date of institution 07.07.2022
Date of Decision: 26.11.2022

- 1. Muhammad Rasool s/o Dranai**
- 2. Muhammad Khan s/o Dranai**
Both R/O Qoum Ali Khel, Tappa Jasrat Khel, Tehsil Upper,
District Orakzai

(Plaintiffs)

VERSUS

- 1. Central Government through Chairman NADRA Islamabad, Pakistan.**
- 2. Assistant Director NADRA, District Orakzai.**

(Defendants)

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

JUDGEMENT:

1. Plaintiff Muhammad Rasool and one other have brought the instant suit for declaration-cum-permanent and mandatory injunction against the defendants to the effect that correct name of the father of the plaintiffs is Dranai and correct name of the mother of the plaintiffs is Laal Bibi whereas, defendants have wrongly entered the mother's name of the plaintiff No. 01 as Laan Bibi (لان بي بي) while father's name of the plaintiff No. 02 as Noran Shah and that of her mother as Laam Bibi (لام بي بي) and in their CNICs, which is wrong and


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ineffective upon the rights of the plaintiffs and is liable to correction. That the defendants were asked time and again for correction of parents name of the plaintiffs 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.

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

Issues:

1. Whether the plaintiffs have got cause of action?
2. Whether the plaintiffs are estopped to sue?
3. Whether the suit of the plaintiffs is time barred?
4. Whether the correct name of the father of the plaintiffs is Dranai and defendants have wrongly entered the same as Noran Shah in the CNIC of Plaintiff No. 02?
5. Whether the correct name of the mother of the plaintiffs is Laal Bibi while the defendants have wrongly mentioned the same as Laan Bibi in the record of plaintiff No. 01 and Laam Bibi in the record of plaintiff No. 02?
6. Whether the plaintiffs are entitled to the decree as prayed for?
7. Relief?

Parties were given an opportunity to produce evidence

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which they did accordingly.

Issue wise findings of this court are as under: -

Issue No. 02:

The defendants in their written statement raised the objection that the plaintiffs are estopped to sue but later on failed to prove the same, hence, the issue is decided in negative.

Issues No. 03:

The representative of defendants in his written statement raised his objection that suit of the plaintiffs 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,

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 been filed on 07.07.2022. Thus, the same is well within time. The issue is decided in negative.

Issue No. 04 & 05:

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


The plaintiffs alleged in their plaint that correct

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name of the father of the plaintiffs is Dranai and correct name of the mother of the plaintiffs is Laal Bibi whereas, defendants have wrongly entered the mother's name of the plaintiff No. 01 as Laan Bibi (لان بی بی) while father's name of the plaintiff No. 02 as Noran Shah and that of her mother as Laam Bibi (لام بی بی) and in their CNICs, which is wrong and ineffective upon the rights of the plaintiffs and is liable to correction. That the defendants were asked time and again for correction of parents name of the plaintiffs but they refused to do so, hence the present suit;

Plaintiffs in support of their contention produced witnesses, in whom the plaintiff No. 02 himself appeared as PW-01, who narrated the same story as in the plaint and produced his own CNIC which is Ex.PW-1/1. Further, Mr. Muhammad Rasool, the plaintiff No. 01 himself appeared as PW-02, who also narrated the same story as in the plaint and produced his CNIC which is Ex.PW-2/1. Further, Muhammad Zikrya, cousin of the plaintiffs appeared as PW-03 and supported the stance of the plaintiff by narrating the same story as in the plaint and produced his CNIC, which is Ex.PW-3/1. All these witnesses have been cross-examined but nothing tangible have been extracted out of them during


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cross-examination.

The defendants produced only one witness as the record keeper of NADRA, Orakzai appeared as DW-01, who produced the Family Trees of the plaintiffs which are Ex.DW-1/1 and Ex.DW-1/2. Further, produced the CNIC Processing Form of the plaintiffs which is Ex.DW-1/3 and according to this, the father name of Muhammad Rasool, the plaintiff No. 01, is Dranai and the name of his mother is Laan Bibi (لان بی بی) and the name of the father of Muhammad Khan, plaintiff NO. 02, is Noran Shah and the name of his mother is Laam Bibi (لام بی بی). During cross examination, he admitted that no other brothers are mentioned in the Family Tree of the plaintiffs except the plaintiffs themselves. Further, stated that they would have no objection if the court

confirms the parentage of the plaintiffs.

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Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiffs established their case through oral and documentary evidence. Also the defendants have not produced any solid piece of evidence to counter the claim of the plaintiffs; therefore, the issue is decided in positive.

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Issue No. 01 & 06:

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

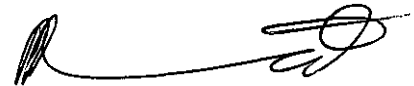
As sequel to my findings on issue No. 04 & 05, the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiffs is hereby **decreed as prayed for with costs.**

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

Announced
26.11.2022

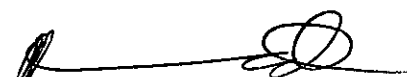


(Rehmat Ullah Wazir)
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CERTIFICATE

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Certified that this judgment of mine consists of seven (07) pages, each has been checked, corrected where necessary and signed by me.


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)