

(39)

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

Civil Suit No. 29/1 of 2022
Date of institution 25.05.2022
Date of Decision: 26.11.2022

**1. Haider Shah s/o Mirak Khan R/O Esa Khel, Tappa Shamsha
Khel, Tehsil Upper, District Orakzai.**

(Plaintiff)

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 Haider Shah has brought the instant suit for declaration-cum-permanent and mandatory injunction against the defendants to the effect that correct father name of the plaintiff is Mirak Khan, whereas, defendants have wrongly entered the same as Miran Shah in his CNIC, 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 father's name 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:

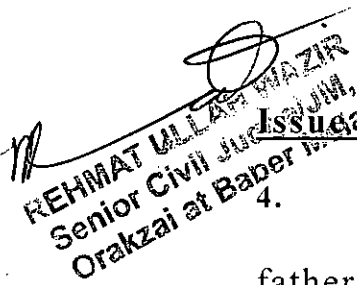
1. *Whether the plaintiff has got cause of action?*
2. *Whether the correct name of the father of the plaintiff is Mirak Khan while it has been wrongly entered as Miran Shah in his CNIC by the defendants?*
3. *Whether the plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

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

Issue wise findings of this court are as under: -

Issue No. 02:

The plaintiff alleged in his plaint that correct father name of the plaintiff is Mirak Khan, whereas, defendants have wrongly entered the same as Miran Shah in his CNIC, 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 father's name of the plaintiff but they refused to do so, hence the present suit;


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Plaintiff in support of his contention produced witnesses, in whom the plaintiff 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. Asghar Muhammad, the paternal uncle 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 his CNIC which is Ex.PW-2/1. Further, Azeem Shah, relative of the plaintiff 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 cross-examination.

Signature
PEHMAT ULLAH HAZIK
 Senior Civil Judge JIM,
 Orakzai at Babel, Peshawar

The defendants produced only one witness as the record per of NADRA, Orakzai appeared as DW-01, who produced the Family Tree of the plaintiff and Mirak Khan (father of the plaintiff) which are Ex.DW-1/1 and Ex.DW-1/2 respectively. Further, produced the CNIC Processing Form of the plaintiff which is Ex.DW-1/1 and Ex.DW-1/3 and according to these, the father name of the plaintiff is Miran Shah. During cross examination, he admitted that they would

have no objection if the court corrects the father's name of the plaintiff.

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 not produced any solid piece of evidence to counter the claim of the plaintiff; therefore, the issue is decided in positive.

Issue No. 01 & 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.

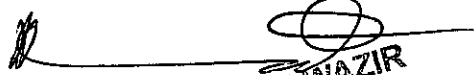
RELIEF:

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

REHMAT ULLEHAZIR
Senior Civil Judge, Sd, Orakzai at Basp, Mela

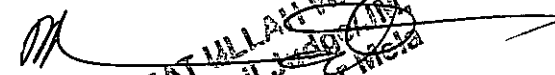
File be consigned to the Record Room after its completion and compilation.

Announced
26.11.2022


(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)
Senior Civil Judge/JM,
Orakzai (at Baber Mela)