

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

Civil Suit No.	71/1 of 2022
Date of Institution:	18.07.2022
Date of Decision:	22.12.2022

1. **Abdur Rasheed Khan s/o Arbab Khan** R/O Qoum Rabia Khel, Tappa Babi Khel, Sraa Garhi, Mula Tabai, Tehsil Ismail Zai, District Orakzai.

*(Plaintiff)*

**VERSUS**

2. **Central Government through Chairman NADRA, Islamabad.**  
 3. **Assistant Director NADRA, Orakzai through representative.**  
 4. **Secretary Union Counsel Ghoz Garhi, Orakzai**

*(Defendants)*

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

**JUDGEMENT:**

1. Plaintiff Abdur Rasheed Khan has brought the instant suit for declaration-cum-permanent and mandatory injunction against the defendants to the effect that correct

name of the mother of the plaintiff is Mazarina, whereas, defendants have wrongly entered the same as Min Zareena in

their record, 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 mother's name of the plaintiff, but they refused to do so, hence the present suit;

2. Defendants were summoned, in whom defendants No. 01 & 02 appeared before the court through their

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representative while defendant No. 03 appeared in person, and contested the suit by filing their written statements.

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 name of the mother of the plaintiff is Mazarina while it has been entered as Min Zareena 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 defendants in their written statement raised their 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 been filed on **18.07.2022**. Thus, the same is well within time. The issue is decided in negative.

**Issue No. 03:**

The plaintiff alleged in his plaint that correct name of the mother of the plaintiff is Mazarina, whereas, defendants have wrongly entered the same as Min Zareena in their record, 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 mother's name of the plaintiff, but they refused to do so, hence the present suit;

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. Further stated that the correct name of the mother of the plaintiff is Mazarina according to her Pension Book and Death registration Certificate, which are Ex.PW-1/1 and Ex.PW-1/3 respectively and further produced his own CNIC which is Ex.PW-1/2. Further, the one Kashmir Khan, a relative 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, Taweez

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Gul, appeared as PW-03 and supported the stance of the plaintiff by relying on the statements of PW-01 and PW-02. Further, produced his CNIC, which is 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 No.01 and & 02 produced only one witness as the record keeper of NADRA, Orakzai appeared as DW-01, who produced the Family Tree and Scanned Form of the plaintiff, which are Ex.DW-1/1 and Ex.DW-1/2 respectively and according to these, the correct name of the mother of the plaintiff is Min Zareena, which is

mentioned and verified by the plaintiff himself and renewed CNIC in the year 2020, on the basis of these conditions but admitted in his cross examination that they will have got no objection if the court corrects the mother's name of the plaintiff. Further, admitted that he has himself observed the document Ex.PW-1/2, in which the name is mentioned as Mazarina.

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

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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 & 04:**

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

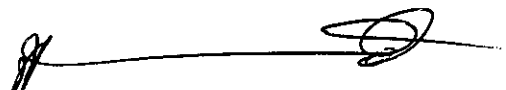
As sequel to my findings on issue No. 03, the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

**RELIEF:**

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

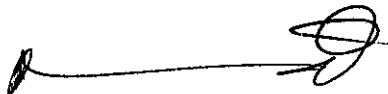
File be consigned to the Record Room after its completion and compilation.

**Announced**  
**22.12.2022**

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

**CERTIFICATE**

Certified that this judgment of mine consists of six (06) pages, each has been checked, corrected where necessary and signed by me.

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