

(35)

IN THE COURT OF BAKHT ZADA,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 06/1 of 2024.
Date of Institution: 18.01.2024.
Date of Decision: 13.03.2024.

*Moeen Asghar S/O Said Akbar, R/O Qaum Ali Khel, Tappa Sher Khel,
Tehsil Upper, District Orakzai.*

(Plaintiff)

VERSUS

1. *Chairman NADRA, Islamabad.*
2. *Deputy Chairman NADRA, Peshawar.*
3. *Assistant Director NADRA, Orakzai.*

(Defendants)

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

JUDGEMENT:

13.03.2024

1. Plaintiff Moeen Asghar S/O Said Akbar has brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that his correct name is Moeen Asghar, while the same has been wrongly entered in his record with the defendants as Meen Azhar. He prayed for correction in his record with the defendants. The defendants were asked time and again to do the needful, 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 authority letter and 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 plaintiff is Moeen Asghar and defendants have wrongly entered the same as Meen Azhar?*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;

4. **PW-01:** Moeen Asghar, plaintiff himself appeared as PW-01 and repeated the contents of his plaint. He requested for decree of suit as prayed for.

1. *Ex. PW-1/1 to Ex. PW-1/4: Copies of NADRA documents*

5. **PW-02:** is the statement of the Zameen Akbar. He is brother of the plaintiff. He supported the stance of the plaintiff. Copy of his CNIC is Ex.PW-2/1.

6. **PW-03:** is the statement of the Wali Khan. He is relative of the plaintiff. He also supported the stance of the plaintiff. Copy of his CNIC is Ex.PW-3/1.

On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01. He produced family tree which is Ex. DW-1/1. He requested for dismissal of the suit.

After closing of evidence of the parties, arguments of the learned counsel for the parties were heard and available record perused.

AK02
BASHIR ZADA
 Senior Civil Judge/JM
 of Meera
 Crk/201/21

My Issue wise findings are as under: -

Issue No. 02:

Plaintiff has alleged in his plaint that his correct name is Moeen Asghar, while the same has been wrongly entered as Meen Azhar in his record with the defendants.

During the course of evidence, the plaintiff appeared as PW-01 and confirmed the contents of his plaint. He has produced the CNICs of his wife and his son which are Ex. PW-1/2 & Ex. PW-1/3 respectively, wherein the correct name of the plaintiff is clearly mentioned as Moeen Asghar. Furthermore, Zameen Akbar, brother of the plaintiff appeared as PW-02 and stated that correct name of his brother is Moeen Asghar. PW-02, being brother of the plaintiff supported the plea of plaintiff and he being relevant person to give evidence, therefore his statement carries more weight. There is nothing on record to rebut the statement of PW-02 as well as the documentary evidence produced by the plaintiff in shape of CNICs of his other sons and wife. The record produced by the defendants is the one impugned before the court and no other corroborating evidence in support of the same has been produced by the defendants, therefore, it can be safely held on the basis of the statement of the brother of the plaintiff and documentary evidence produced by him that correct name of the plaintiff is Moeen Asghar instead of Meen Azhar. Issue is decided in favour of the plaintiff in positive.

J. Zaidi
BAKHIT ZADA
Senior Civil Judge/JM
Orakzai at Baber Mandi

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Issue No. 01 & 03:

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

As sequel to my findings on issue No. 03, the plaintiff has proved through cogent evidence that his correct name is Moeen Asghar instead of Meen Azhar. Issue No. 01 & 03 are decided in positive.

RELIEF:

As sequel to my above issue-wise findings, the plaintiff proved his case through cogent evidence, therefore suit of the plaintiff is hereby decreed as prayed for with no order as to cost.

File be consigned to the record room after its completion and compilation.

Announced
13.03.2024

Bakht Zada
13.3.24
(Bakht Zada)
Senior Civil Judge,
Orakzai at Baber Mela

CERTIFICATE

Certified that this judgement of mine consists of four (04) pages, each has been checked, corrected where necessary and signed by me.

Bakht Zada
13.3.24
(Bakht Zada)
Senior Civil Judge,
Orakzai at (Baber Mela)