

(56)

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

Civil Suit No. 11/1 of 2022  
Date of Institution: 10.03.2022  
Date of Decision: 15.09.2022

1. Mula Saleem Khan s/o Tehsildar Khan, R/O Qoum Baland Khel, Tappa Lodhiani, District Orakzai.

*(Plaintiff)*

**VERSUS**


1. Central Government through Chairman Nadra, Islamabad.  
2. Assistant Director, NADRA, District Orakzai.

*(Defendants)*

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

**JUDGEMENT:**

1. Plaintiff Mula Saleem has brought the instant suit for declaration-cum-perpetual and mandatory injunction against the defendants, seeking therein that the correct name of the plaintiff is Mula Saleem Khan s/o Tehsildar Khan, Qoum Baland Khel, Tappa Lodhiani, District Orakzai whereas, defendants have wrongly entered the same as Muhammad Saleem s/o Almar Khan, R/O Hangu in their record, 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 the 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 plaintiff is Mula Saleem Khan while it has been wrongly entered as Muhammad Saleem in his CNIC by the defendant?*
3. *Whether the correct name of the father of the plaintiff is Tehsildar Khan while it has been wrongly entered as Almar Khan in his CNIC by the 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: -

**Issue No. 02 & 03:**

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

The plaintiff alleged in his plaint that the correct name of the plaintiff is Mula Saleem Khan s/o Tehsildar Khan, Qoum Baland Khel, Tappa Lodhiani, District Orakzai whereas, defendants have wrongly entered the same as Muhammad

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Saleem s/o Almar Khan, R/O Hangu in their record, 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 the name of the plaintiff but they refused to do so, hence the present suit.

5. Plaintiff in support of his contention produced witnesses, in whom Muhammad Aftab, the special attorney for the plaintiff appeared as PW-01 and narrated the same story as in the plaint and produced his special power of attorney and the copy of his CNIC, which are Ex. PW-1/1 and Ex.PW-1/2 respectively. Further, the one Fazal Rabi, a relative of the plaintiff, appeared as PW-02 who narrated the same story as in the plaint and produced the copy of his CNIC which is Ex.PW-

Both these witnesses have been cross-examined but nothing tangible has been extracted out of them during cross-examination.

The defendants produced only one witness as Mr. Irfan Hussain, the representative of NADRA, Orakzai appeared as DW-01, who produced the Family Tree of the plaintiff and according to which the plaintiff has already got 02 CNICs from NADRA. In first CNIC No. 14101-6328438-5, the name of the plaintiff is mentioned as Muhammad Saleem and his father's name is mentioned as Almar Khan while the name of his mother


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is mentioned as Hakima Jan R/O Theil Thall, District Hangu, whereas, in second CNIC No. 21604-5380779-5, the name of the plaintiff is mentioned as Muhammad Saleem, his father's name is mentioned as Tehsildar Khan and the name of his mother is mentioned as Noor Sahib Jana, R/O Qoum Baland Khel, Tappa Lodhiani, Tehsil Ismail Zai, District Orakzai. The Family Tree according to CNIC No. 14101-6328438-5 is Ex.DW-1/1 and Family Tree according to CNIC No. 21604-5380779-5 is Ex.DW-1/2 and 02 CNICs in the name of a citizen/person is illegal but admitted in his cross examination that the father's name of the brothers of the plaintiff namely Noor Saleem and Muhammad Ghifran is Tehsildar Khan.

Further admitted that the father's name of the plaintiff is Tehsildar Khan according to Ex.DW-1/2.

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. The documents produced by the representative of the defendants especially the Ex.DW-1/2 is a strong proof in favour of the plaintiff against the defendants but surprisingly the same is produced by the defendants and in their possession. Also the defendants have no record of the old MNIC of the plaintiff which is the single

  
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piece of evidence alleged by the defendants against the plaintiff; therefore, both these issues are 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. 02 & 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 no order as to costs.

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

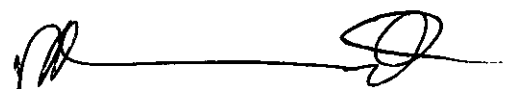
**Announced**  
**15.09.2022**



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