

38

**IN THE COURT OF SAMI ULLAH,**  
**CIVIL JUDGE-I, ORAKZAI AT BABER MELA**

Civil Suit No. 08/1 of 2024  
Date of Institution: 12/02/2024  
Date of Decision: 26/03/2024

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**Niaz Mewa W/O Zawair Badshah**

R/O Qoam Ali Khel, Tappa Panjam, Zanka Khel, PO Ghiljo, Tehsil Upper, District Orakzai.

.....(Plaintiff)

**VERSUS**

1. Chairman Nadra Islamabad.
2. Registrar Nadra Islamabad.
3. District Officer Nadra District Orakzai.

..... (Defendants)

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

**SUMMARY JUDGEMENT:**  
**26.03.2024**

1. Brief facts of the case in hand are that the plaintiff, **Niaz Mewa** has brought the instant suit for declaration cum perpetual and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that her correct name is **Niaz Mewa**, according to her pension Book and old CNIC while defendants have been wrongly mentioned her name as Nizakat Begam in her new CNIC, which is liable to correction. That the defendants were repeatedly asked to correct the name of plaintiff but they refused, hence, the instant suit.

*Lamin Ullah*  
26/03/2024  
Sami Ullah  
Civil Judge/JM-I  
Orakzai at (Babar Mela)

(39)

2. Defendants were summoned, who appeared through his representative namely Mr. Irfan Hussain, who submitted written statement.

3. During the scheduling conference within the meaning of order IX-A of CPC, it was revealed that the matter involved in the instant case is very petty in nature, which can be decided through summary judgement as per relevant record. To this effect notice were given to the parties that why not the case in hand be decided on the basis of available record without recording lengthy evidence, as the primary aim and objective of Amended Management Rules in CPC is, "to enable the court to-

- a. Deal with the cases justly and fairly;
- b. Encourage parties to alternate dispute resolution procedure if it considers appropriate;
- c. Save expense and time both of courts and litigants; and
- d. Enforce compliance with provisions of this Code."

4. The plaintiff produced three witnesses in her favour who recorded their statements and testified that the correct name of the plaintiff is **Niaz Mewa**.

5. PW-01 namely Maib Ali recorded in his statement that the correct name of the plaintiff is **Niaz Mewa**, according to her pension Book while defendants have been wrongly mentioned her name as Nizakat Begam in her CNIC. He lastly prayed for decree in favour of plaintiff. Copy of CNIC of plaintiff and copy of his CNIC are Ex.PW-1/1 and Ex.PW1/2. The said PW admitted in his cross examination that in the old CNIC of the plaintiff, the plaintiff

Laminated  
Ullah  
03-2024  
Sam Ullah  
Civil Judge/JM-1  
Orakzai at (Babar Mela)

name was correctly mentioned as Niaz Mewa. Nothing incrimination was recorded in his cross examination.

6. PW-02 namely Muhammad Riaz (attorney of plaintiff), whose power of attorney is Ex.PW-2/1, recorded in his statement that plaintiff is his aunt and correct name of the plaintiff is **Niaz Mewa**, according to her pension Book while defendants have been wrongly mentioned the same as Nizakat Begam in her CNIC. Copy of pension book (consists of 06 pages) and copy of his CNIC are Ex.PW-2/2 and Ex.PW-2/3 respectively. He lastly prayed for decree in favour of plaintiff. The said PW admitted in his cross examination that name Niaz Mewa was mentioned in her first CNIC after then she changes the same to Nizakat Begam.
7. PW-03 namely Muhammad Alam recorded in his statement that plaintiff is his mother. He further stated that the correct name of the plaintiff is **Niaz Mewa** while defendants have been wrongly mentioned the same as Nizakat Begam in her record. Further stated that according to pension documents, her correct name is **Niaz Mewa** which is correct. Copy of his CNIC is Ex.PW-3/1. And lastly prayed for decree in favour of plaintiff. The said PW admitted in his cross examination that name Niaz Mewa was mentioned in her first CNIC after then she changes the same to Nizakat Begam. The said PW further admitted that the plaintiff herself changed her name in Nadra Record for property purpose.
8. Representative of NADRA appeared as DW-01. He produced affidavit which is Ex. DW-1/1, by which the plaintiff has changed

*Lamin Ullah*  
26.03.2024  
Sami Ullah  
Civil Judge/JM-I  
Orakzai at (Babar Mela)

41

her name from Niaz Mewa to Nizakat Begam in NADRA Record. According to affidavit in Para number "Alif" plaintiff stated on oath that she changed her name for property purpose and plaintiff also stated in Para number "B" on oath that plaintiff has no right to amend their both names for next time. He further stated that according to Nadra SOPs only one time change in CNIC is possible. He admitted in his cross examination that name of plaintiff i.e. Niaz Mewa is mentioned in Pension Book.

9. Hence, in these circumstances, the evidence recorded by the PWs and documents produced by the plaintiff are admissible and reliance is placed on it and are sufficient to decide the fate of the case and no further evidence is required to be produced by the parties. So, the available record clearly establishes the claim of the plaintiff.

10. Learned counsel for plaintiff and representative for defendant heard and record gone through.

11. Record reveals that plaintiff through instant suit is seeking correction of her name as **Niaz Mewa** in her Nadra Record which has been wrongly mentioned in her CNIC. The evidence produced

by the plaintiff in shape of exhibited documents and statements of the PWs established that her correct name is **Niaz Mewa**.

Although, the incriminating evidence against the stance of the plaintiff in shape of affidavit for name change submitted to Nadra which is Ex. DW-1/1 and admission of PW-03 in his cross examination, is placed on file. But on the other hand, document in


*Lamin Ullah*  
26.03.2024  
Sami Ullah  
Civil Judge/JM-I  
Orakzai (Babar Mela)

427

shape of pension book and admission in the evidence that old CNIC contains the correct name of the plaintiff i.e **Niaz Mewa** is in favour of the plaintiff. Moreover, the SOPs of Nadra don't allow second time change but the same is applicable on the Nadra only. Thus, keeping in view preponderance of evidence in favour the plaintiff, the exhibited documents and statements of PWs establish the claim and contention of the plaintiff.

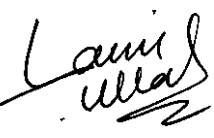
12. Consequently, upon what has been discussed above and the jurisdiction vested in this court under order IX-A and XV-A of CPC, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendant is directed to correct the name of the plaintiff as **Niaz Mewa** instead of Nizakat Begam in their record.
13. Parties are left to bear their own costs.
14. File be consigned to the record room after its necessary completion and compilation.

**Announced**  
26.03.2024

  
**Sami Ullah**  
Civil Judge/JM-I,  
Orakzai (at Baber Mela)

### **CERTIFICATE**

Certified that this judgment of mine consists of **05** (Five) pages, each has been checked, corrected where necessary and signed by me.

  
**Sami Ullah**  
Civil Judge/JM-I,  
Orakzai (at Baber Mela)