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IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 96/1 of 2023
Date of Original Institution: 18.12.2023
Date of Decision: 14.03.2024

Malik Syed Yaqeen Hussain S/O Syed Amin Badshah, resident of Qom Kalaya Saidan, Tapa Saidan, Tehsil Lower, District: Orakzai.

.....(Plaintiff)

VERSUS

1. Assistant Director, NADRA District Orakzai
2. Chairman NADRA Islamabad.
3. Director General NADRA, Khyber Pakhtunkhwa, Peshawar.

.....(Defendants)

SUIT FOR DECLARATION -CUM- PERPETUAL AND MANDATORY INJUNCTION

JUDGMENT

14.03.2024

1. Brief facts of the case in hand are that plaintiff has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct mother name of plaintiff is **Muhammad Sahib Bibi**, while defendants have incorrectly entered the mother name of plaintiff as Bibi Muhammad Saib, which is wrong, ineffective upon

the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendant was summoned, they appeared through their representative and filed written statement whereby they objected the suit on factual and legal grounds.
3. Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether the plaintiff has got a cause of action? OPP
2. Whether the correct mother name of plaintiff is **Muhammad Sahib Bibi**, while it has been incorrectly entered as Bibi Muhammad Saib in the defendants record? OPP
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

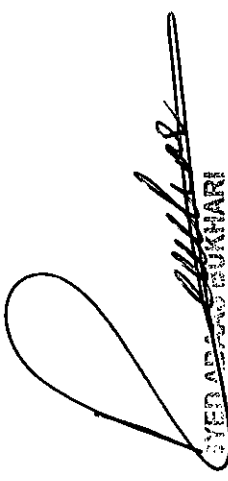
Issue No. 02:

The plaintiff alleged in his plaint that correct mother name of plaintiff is **Muhammad Sahib Bibi**, while defendants have incorrectly entered the same as Bibi Muhammad Saib in their record, which is wrong,

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Advocate
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ineffective upon the rights of the plaintiff and is liable to correction.

The plaintiff produced witnesses in whom Malik Syed Yaqeen Hussain S/O Syed Ameen Badshah, the plaintiff himself, appeared as PW-01. He stated that his correct mother name is **Muhammad Sahib Bibi** according to his mother death certificate and old NIC. He produced copy of his CNIC, his mother old NIC and death certificate of his mother which are Ex. PW-1/1 to Ex. PW-1/3 respectively. He further stated that his parents has been died. He lastly requested for the decree of the suit as prayed for. During cross examination he stated that his mother has not made any computerized CNIC.



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Civil Judge/JM-I
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Shoaib Ali S/O Ahmad Nabi, appeared and deposed as PW-02. He supported the stance of the plaintiff as narrated in the plaint. He produced his CNIC which is Ex. PW-2/1. The witness has been cross examined but nothing tangible has been extracted out of him during cross examination. Thereafter, plaintiff closed his evidence with a note.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants namely Irfan Hussain

who appeared as DW-01. He produced authority letter which is Ex. DW-1/1. He further stated that in defendants record plaintiff's mother name mentioned as Bibi Muhammad Saib. He further stated that according to NADRA SOPs mother name can be changed on the biometric of herself or her brothers & sisters. During cross examination representative for NADRA stated that we made correction, according to certificates issued by Union Council. He admitted that according to Ex. PW-1/3 (death certificate), wherein plaintiff's mother name is mentioned as Muhammad Sahib Bibi. During cross examination he further admitted that according to Ex. PW-1/2 (old NIC of plaintiff's mother), plaintiff's mother name is mentioned as Muhammad Sahib Bibi. Thereafter, representative for NADRA closed their evidence with a note.

In light of above discussion as plaintiff succeeded to prove his stance by producing cogent, documentary, oral and reliable witnesses, which fully supported the claim of the plaintiff. Thus, the plaintiff established his claim through cogent and reliable evidence, therefore, the issue is decided in positive.


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Civil Judge (JUN-1)
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Issue No. 01 & 03:

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

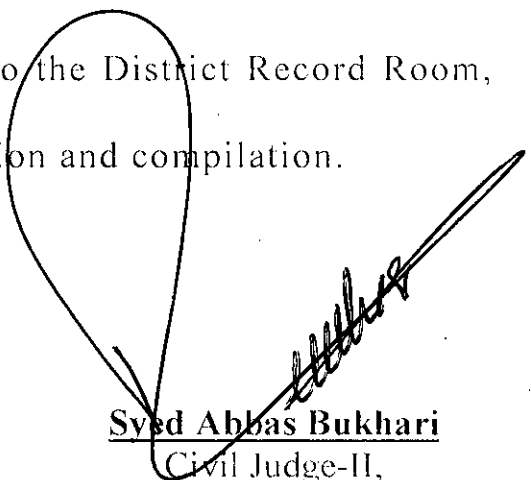
As sequel to my findings on issue No. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for, subject to submission of court fee of Rs-500/- within 30 days of instant decree otherwise this decree shall have got no effect or legal force and defendants are hereby directed to enter the correct mother name of plaintiff as **Muhammad Sahib Bibi** in their official record. No order as to costs.

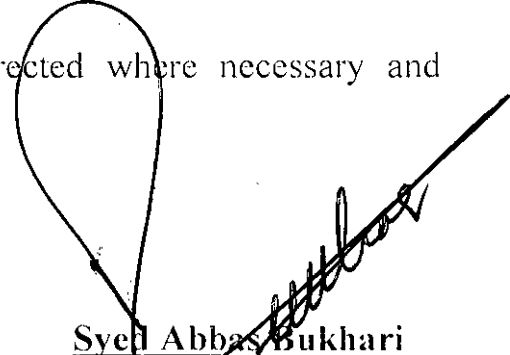
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced
14.03.2024


Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai

CERTIFICATE

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


Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai