

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

Civil Suit No. 38/1 of 2024
Date of Original Institution: 26.03.2024
Date of Transfer In: 21.05.2024
Date of Decision: 30.05.2024

*Muhammad Israr S/O Taj Akbar, R/O Qaum Ali Khel, Tappa Sher
Khel, Tehsil Upper, District Orakzai*

(Plaintiff)

VERSUS

1. Director General NADRA, Islamabad.
2. Deputy Director General NADRA, Peshawar.
- Through*
3. System Engineer, NADRA office, Hangu and Orakzai

(Defendants)

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

JUDGEMENT:

30.05.2024

1. Plaintiff Muhammad Israr has brought the instant suit against defendants Director General NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that his father's correct name is Taj Akbar, but the same has been wrongly entered in his record with the defendants as Malak Khial Akbar. It is alleged that as per domicile certificate of plaintiff issued by the then Political Administration, Orakzai, the correct father's name of plaintiff is Taj Akbar. 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

Sher

30.5.24

BAKHT ZADA
Senior Civil Judge
Orakzai at Baber Mel

through their representative and contested the suit by filing authority letter and their written statement.

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 father of the plaintiff is Taj Akbar while the defendants have wrongly entered the same as Malak Khial Akbar?*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

3. 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:** Muhammad Israr, plaintiff himself appeared as PW-01 and stated that correct name of his father is Taj Akbar and defendants have wrongly entered the same as Malak Khial Akbar, who is uncle of plaintiff. He requested for decree of suit as prayed for.

1. Ex. PW-1/1: Copy of domicile certificate.
2. Ex. PW-1/2: Copy of CNIC of plaintiff.
3. Ex. PW-1/3: Copy of death certificate of mother of plaintiff.
4. Ex. PW-1/4: Copy of CNIC of father of plaintiff.
5. Ex. PW-1/5: Copy of CNIC of uncle of plaintiff.

PW-02, is the statement of the Taj Akbar (father of plaintiff). He supported the stance of the plaintiff by repeating the whole story as briefly describe in the plaint. He requested for decree of suit as prayed for.

30.5.24
BAKHT ZADA
 Senior Civil Judge/JM
 Orakzai at Baber, Mela

6. PW-03, is the statement of Arman Shah. He supported the stance of plaintiff and requested for decree of the suit in favour of plaintiff as prayed for.

1. Ex. PW-3/1: NADRA documents.

7. 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.

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

My Issue wise findings are as under: -

Issue No. 02:

9. Plaintiff has alleged in his plaint that correct name of his father is Taj Akbar, while the same has been wrongly entered as Malak Khial Akbar in his record with the defendants. Defendants in their written statement have alleged that plaintiff has been issued CNIC with the father name as Malak Khial Akbar.

10. PW-01, plaintiff himself appeared and verified his stance by providing Ex. PW-1/1 which is his domicile certificate issued by the Political Administration, Orakzai on 15.07.2018, while the defendants have issued CNIC of plaintiff on 17.08.2018. The statement of Taj Akbar, PW-02 is also of paramount importance on the ground that he is father of plaintiff who is natural witness of the birth of plaintiff Muhammad Israr. He stated that in the record of the plaintiff with the defendants, the name of uncle of plaintiff namely Malak Khial Akbar

30.5.24
BAKHT ZADA
Senior Civil Judge/JM
Orakzai at Eabon Meela

has been entered instead of name of real father. He also stated that such wrong entry will affect the life of the plaintiff as well as his own. It is now clear from the statement of PW-02 that wrong entries have been made in the CNIC and record of the plaintiff with the defendants. PW-02 is the father of plaintiff Muhammad Israr, and his statement carries weight. There is nothing in rebuttal to shatter the statements of PW-01 and PW-02. During cross-examination nothing adverse has been brought on record. After recording such an authentic evidence in support of the stance of the plaintiff, it will be detrimental to the fundamental rights of the plaintiff if the desired correction is not made. Issue is decided in favour of plaintiff accordingly.

30.5.24
30.5.24
Issue No. 01 & 03:

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

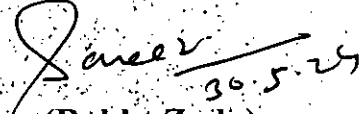
11. As sequel to my findings on issue No. 02, the plaintiff has proved through cogent evidence that correct father name of plaintiff is Taj Akbar instead of Malak Khial Akbar. Issue No. 01 & 03 are decided in positive.

RELIEF:

12. 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.

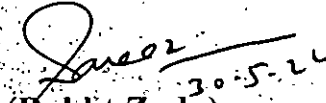
13. Case file be consigned to the Record Room after its completion and compilation.

Announced
30.05.2024


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

CERTIFICATE

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


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