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

Civil Suit No. 77/1 of 2024
Date of Institution: 12.06.2024
Date of Decision: 26.09.2024

Wazir Akbar s/o Haji Sher Akbar
R/O Khadizai, P/O Ghiljo, District Orakzai

(Plaintiff)

VERSUS

1. Assistant Director NADRA, Orakzai.
2. Managing Director Crescent Developer (Pvt) Ltd.

(Defendants)

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

JUDGEMENT:

29.09.2024

1. Plaintiff Wazir 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 the correct name of his father is Sher Akbar and his correct address is Khadizai, P.O Ghiljo, Upper Orakzai but the same was wrongly entered in his record with Nadra as Yaqoob Uddin. Similarly, the address of the plaintiff was also wrongly entered as Zargari, District Hangu. That the plaintiff approached the office of defendant No. 1 and after fulfillment of legal formalities i.e., submission of affidavit, the requisite correction was made and fresh CNIC was issued to the plaintiff having correct parentage and address i.e., Sher Akbar and

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Khadizai P.O Ghiljo, District Orakzai respectively. He further alleged that he has purchased a plot from crescent developers and at the time of purchase, his parentage was wrongly entered which was later on corrected in accordance with law by defendant No. 1 after submission of affidavit. Now, the plaintiff wanted to sale out his plot, but the defendant No. 2 is bent upon not making correction in the documents of his plot in accordance with the correct issued CNIC. The defendants were asked time and again for correction in accordance with CNIC, but they refused to do so, hence, the present suit;

2. Defendants were summoned. Defendant no. 01 appeared through representative namely Irfan Hussain who submitted written statement. Defendant No. 02 & 03 failed to appear before the court despite of service through publication in daily newspaper Ausaf and hence, they were placed and proceeded ex-parte.

3. Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. *Whether the plaintiff has got cause of action?*
2. *Whether defendant No. 1 has made the requisite correction in the parentage and address of the plaintiff in his CNIC according to law?*
3. *Whether plaintiff is entitled to the decree as prayed for?*
4. *Relief?*

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

PW-01 is the statement of Syed Hakeem (special attorney). He narrated the same story as alleged in the plaint. He exhibited the following documents;

1. Ex. PW-1/1: Special power of attorney
2. Ex. PW-1/2: Publication
3. Ex. PW-1/3: Copy of his CNIC

PW-02 is the statement of Abdul Habib, brother of plaintiff. He narrated the same story as in the plaint and produced his CNIC, the copy of which is Ex.PW-2/1. He was cross-examined by the representative of the defendants.

On the other hand, representative for NADRA (contesting defendant No. 01), Irfan Hussain recorded his statement as DW-01, wherein he produced the Dup Clearance/Affidavit and CNIC Registration Form which are Ex.DW-1/1 and Ex.DW-1/2 and repeated the contents of the written statement.

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:

It is alleged by the plaintiff in his plaint that he belongs

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to" caste Khadizai, Tehsil Upper, District Orakzai and that correct name of his father is Sher Akbar, while the defendants had written the same in his previous CNIC as "resident of Zargari, Hangu" and "Yaqoob Ud Din". It is further alleged by plaintiff that he applied to defendant No. 1 for correction of his address and parentage which were corrected by them after obtaining affidavit from him and a new CNIC with correct address and parentage was issued to him. Defendant No. 1 In its written statement has categorically admitted that on 09.09.2013, the plaintiff has deposited fees of Rs. 1000/- and his previous CNIC No. 14101-0809251-7 was cancelled after submission of affidavit which is in accordance with the Nadra SOPs. The written statement submitted by defendant No. 1 clearly shows that plaintiff has been issued CNIC with correct address and parentage strictly in accordance with Nadra SOPs and as far as the question regarding correction of address and parentage in the documents of his plot with defendant No. 2 is concerned, the same may be corrected as per CNIC.

Issue No. 02 is decided accordingly in favour of the plaintiff in positive.

Issue No. 01 & 03:

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

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As sequel to my findings on issue No. 02, defendant No. 1 has admitted that correction in the column of address and parentage of CNIC of the plaintiff has been made in accordance with Nadra SOPs and after making such correction in accordance with law, there remains no suspicion about the address and parentage of the plaintiff, therefore, the plaintiff has got a cause of action and he is entitled to the decree as prayed for. Issue No. 01 & 03 are decided in positive.

RELIEF:

As sequel to my above issue wise findings, defendant No. 1 has admitted in his written statement that correction in the column of address and parentage of the plaintiff has been made in accordance with law and his previous CNIC has been cancelled after submission of affidavit.

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

Announced
25.09.2024

Bakht Zada
25.9.24
(Bakht Zada)
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.

Bakht Zada
25.9.24
(Bakht Zada)
Senior Civil Judge,
Orakzai at (Baber Mela)