

48

**IN THE COURT OF IJAZ MAHSOOD, SENIOR CIVIL JUDGE,
ORAKZAI AT BABER MELA**

Suit No.....105/1 of 2024.

Date of Institution.....24.10.2024.

Date of Decision.....29.01.2025.

=====

**Musa Rehman s/o Nawab Khan, R/O Qoum Mamozai,
Tappa Mir Kalam Khel, Tehsil Upper, District Orakzai.**

.....(*Plaintiff*)

Versus

Assistant Director NADRA, District Orakzai through
Representative

..... (*Defendants*)

=====
SUIT FOR DECLARATION & PERMANENT INJUNCTION
=====

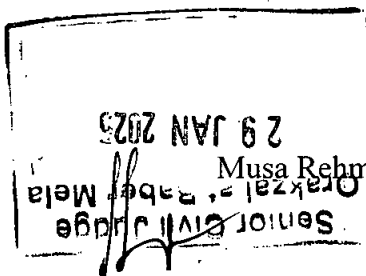
JUDGMENT

29.01.2025

This judgment decides instant case filed by Mr. Musa Rehman for correction of names and addresses of his parents in their record as maintained by the defendants.

Pleadings:

The claim as related in the plaint reads that correct name of the father of the plaintiff is Nawab Khan s/o Gul Aziz and that of her mother is Begum Jana while the defendants have wrongly entered the same as Nawab Khan s/o Mian Noor Khan and Khyal Nama respectively. Furthermore, the correct address



48 49

of his parents is Qoum Mamozai, Tappa Mir Kalam Khel, Tehsil Upper, District Orakzai while it has been wrongly entered as District Kurram. It is alleged that the parents mentioned in record of the plaintiff, are his uncle and aunt who belongs to district Kurram. It is further alleged that when defendants were requested to rectify the mistake extra-judicially, they declined, hence the suit.

In rebuttal, the defendant has raised the regular objections to the legal validity of the claim, the standing of the plaintiff, and factual version of the matter. He asserts that birth dates and addresses were supplied by parents of the plaintiff their-self and are recorded correctly.

The controversy as related in the pleadings was distilled into the following issues:

Issues:

1. Whether suit is valid in its legal frame, and the court is competent to hear it?
2. Whether correct names of the parents of the plaintiff are Nawab Khan s/o Gul Aziz and Begum Jana and their correct address is District Orakzai while the defendants have wrongly entered their names as Nawab Khan s/o Mian Noor Khan, Khyal Nama and their address as District Kurram?

Senior Civil Judge
Orakzai, Baber Mela
29 JAN 2025

(47)

(50)

3. Relief.

Thereafter, both sides were invited to produce their evidence to establish the positions they had taken in their pleadings.

Witnesses/Exhibits:

Musa Rehman, the plaintiff himself appeared as PW-1, Ishaq Rehman, brother of the plaintiff as PW-02, Muhammad Sharif s/o Nawab Khan, cousin of the plaintiff as PW-03, Sakhi Rehman, brother of the plaintiff as PW-04 and Iftikhar Ahmad, representative of the defendant as DW-01. They have exhibited the following documents;

- i. Death certificate of the father of the plaintiff is Ex.PW-1/1.
- ii. Copy of CNIC of the plaintiff is Ex.PW-1/2.
- iii. Copy of CNIC of the mother of the plaintiff is Ex.PW-1/3.
- iv. Copy of CNIC of PW-02 is Ex.PW-2/1.
- v. Copy of CNIC of PW-03 is Ex.PW-3/1.
- vi. Copy of CNIC of father of PW-03 is Ex.PW-3/2.
- vii. Copy of CNIC of mother of PW-03 is Ex.PW-3/3.
- viii. Family Trees of the plaintiff are Ex.DW-1/1, Ex.DW-1/2 and Ex.DW-1/3.

Senior Civil Judge
Orakzai at Gabor Mela
29 JAN 2025

58

Reasons/Reasoning:

Issue wise reasoning of the court following ruling on each issue, and finally on the suit is as follows:

Issue No 01:

This issue questions the legal validity of the frame of the suit, and the competence of the forum to hear it. Plaintiff has sought correction of records in respect of his parents, which clearly is a civil matter, and thus amenable to the jurisdiction of this court under section 09 of the civil procedure code. Other objections such as limitation etc. were not rigorously pressed, and upon examination of the corpus of the case by the court, were found inapplicable. Therefore, the issue is decided for the plaintiff.

Issue No 02:

This issue houses the heart of the suit: whether the correct names of the parents of the plaintiff are Nawab Khan s/o Gul Aziz and Begum Jana and their correct address is District Orakzai while the defendants have wrongly entered their names as Nawab Khan s/o Mian Noor Khan, Khyal Nama and their address as District Kurram?

Mr. Ishaq Ur Rahman, son of the proposed parents of plaintiff as per NADRA record, took the stands as PW-02. He

Senior Civil Judge
Orakzai at Baber Mela
21 JAN 2025

51

52

concedes that plaintiff is his real brother, and that the record reflects his parentage and domicile incorrectly.

Conversely, Mr. Muhammad Sharif, a sibling from the impugned parentage took the stand as PW-03 and admitted to the fact of plaintiff being his cousin, rather than brother.

It could not miss the court's notice that all children of the proposed parents have names ending with 'Ur Rahman' like the plaintiff, while none of his siblings from the impugned parents carry this similarity.

Defense's only witness concedes that according to family tree, parents' names of the plaintiff are Nawab Khan s/o Mian Noor Khan and Khyal Nama and their correct address is District Kurram but admitted in his cross-examination that father's name of the plaintiff and his cousin Sharif Khan is same i.e Nawab Khan but their addresses are different and the mother's name of his cousin Sharif Khan is Khyal Nama who is aunt of the plaintiff. Further, admits that father name mentioned in the CNIC of his brother namely Ishaq Ur Rehman is Nawab Khan but the address is District Orakzai.

It has been established that parents' names and addresses of the plaintiff have been wrongly entered by the defendants.

Senior Civil Judge
Orakzai / Baber Mela
29 JAN 2025

53

In view of the discussion above, the issue is decided for the plaintiff.


RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in his favor against the defendant as prayed for. *The correct names of the father of the plaintiff are declared as Nawab Khan s/o Gul Aziz and that of his mother is Begum Jana. The correct address of parents of the plaintiff is Qoum Mamozai, Tappa Mir Kalam Khel, Tehsil Upper, District Orakzai.* Defendant is advised to bring its records in line with this judgment. Costs shall follow the event.

File be consigned to record room after its necessary completion and compilation.


ANNOUNCED

29.01.2025


(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

It is certified that this judgment consists of 06 (six) pages. Each page has been dictated, read, corrected and signed by me.


(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)