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

Suit No.....94/1 of 2024

Date of Institution..... 11.09.2024

Date of Decision.....31.01.2025

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**Amin Zaman s/o Moeen Ashgar, R/O Qoum Ali Khel,
Tappa Sher Khel, Tehsil Upper, District Orakzai.**

.....(*Plaintiff*)

Versus

1. Chairman BISE Kohat.

..... (*Defendant*)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT

31.01.2025

This judgment decides instant case filed by Amin Zaman for correction of his father's name as maintained by the defendants.

Pleadings:

Facts as recounted in the plaint reads that correct name of the father of the plaintiff is Moeen Asghar according to CNIC while the defendant has erroneously recorded the same as Min Azhar; hence, the suit.

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In rebuttal, the legal advisor for the defendant has raised the regular objections to the legal validity of the claim, the

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standing of the plaintiff, and factual version of the matter. He asserts that correct name of the father of the plaintiff has already been recorded in DMCs of the plaintiff, issued by BISE Kohat and requested for dismissal of the suit.

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 father's name of the plaintiff is Moeen Asghar while the defendants have erroneously recorded the same as Min Azhar?*
3. *Relief.*

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

Witnesses/Exhibits:

Amin Zaman, the plaintiff himself appeared as PW-01, Muhammad Irfan s/o Karim Khan appeared as PW-02, Shaheen Akbar s/o Rasool Akbar appeared as PW-03 and legal advisor for defendant appeared as DW-01. They have exhibited the following documents;

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1. Copy of CNIC of mother of the plaintiff as Ex.PW-1/1.

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- ii. Copy of CNIC of the plaintiff as Ex.PW-1/2.
 - iii. Copy of CNIC of father of the plaintiff as Ex.PW-1/3.
 - iv. Copies of HSSC and SSC DMCs as Ex.PW-1/4 and Ex.PW-1/5 respectively.
 - v. Copy of CNIC of PW-02 as Ex.PW-2/1.
 - vi. Copy of CNIC of PW-03 as Ex.PW-3/1.

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 his father's name, 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: correct father's name of the plaintiff. It is claimed that correct name of the father of the plaintiff is Moeen Asghar but the same has been wrongly

recorded by defendants as Min Azhar.

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Record reveals that through suit no 06/1 of 2024, father of plaintiff modified his name from Min Azhar to Moeen Asghar. Now plaintiff, his son, wants to bring his parentage in line with the decree in suit no 06/1.

The plaintiff himself appeared as PW-01 and narrated the same story as in the plaint and exhibited all the relevant documents. PW-02 and PW-03 also concedes that correct father's name of the plaintiff is Moeen Asghar and supported the stance of the plaintiff.

Defense's only witness concedes that the father's name of the plaintiff is correctly recorded according to DMCs issued by BISE Kohat.

It has been established that father's name of the plaintiff has been wrongly entered by the defendant.

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. Correct father's name of the plaintiff is declared as **Moeen Asghar**. Defendant is advised to bring his record in line with this judgment. No order as to cost. This decree shall not

Senior Judge affect the rights of other persons interested, if any.

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

ANNOUNCED
31.01.2025


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CERTIFICATE

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.


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