

IN THE COURT OF FARMAN ULLAH,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

36

Original:

Civil Suit No. 75/1 of 2019
Date of Institution: 08/10/2019

After Transfer in:

Civil Suit No. 290/1 of 2019
Date of Institution: 05/06/2020

Date of Decision: 25/06/2020

Ibraheem s/o Gul Badshah

Resident of Mamo Zai Kali Section Mamozai Sub Section Abdur Raheem Khel, PO Ghiljo, Tehsil Upper & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Registrar, General NADRA Islamabad.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

JUDGEMENT:

Brief facts of case in hand are that the plaintiff, **Ibraheem s/o Gul Badshah**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that correct name of his real father is "**Gul Badshah**" while defendants have wrongly mentioned the name of his paternal uncle "**Noor Hassan**" in their record, which is incorrect and liable to be corrected. Hence, the present suit.

Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
25.6.2020

37

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

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct name of the father of the plaintiff is **Gul Badshah** while defendants have wrongly mentioned the name of uncle of the plaintiff in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.
5. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 to PW-3. He also produced various documents as Ex.PW-1/1 to Ex.PW-1/5.
In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record form of plaintiff and exhibited the same as Ex. DW-1/1, form-A as Ex. DW-1/2 and by birth family tree as Ex. DW-1/3.
7. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
8. My issues wise findings are as under:

Issue No.02:

Plaintiff contended in his plaint that the correct name of his father is Gul Badshah who died on 15.02.1998 without obtaining CNIC from NADRA. That inadvertently the name of his uncle Noor Hassan was recorded as father of the plaintiff in

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
25.6.2020

NADRA record instead of Gul Badshah. Hence, the record is liable to be corrected.

38

Plaintiff in support of his contention has appeared as PW-1 and he repeated the contents of plaint in his examination in chief. He also produced his CNIC as Ex.PW-1/1, death certificate of Gul Badshah as Ex.PW-1/2, CNIC of his mother as Ex.PW-1/3, CNIC of his brother as Ex.PW-1/4 and CNIC of Noor Marjana as Ex.PW-1/5 while PW-2, who is real brother of plaintiff stated in his examination in chief that name of the father of the plaintiff is Gul Badshah while Noor Hassan was uncle of the plaintiff. PW-3, who is the son of Noor Hassan stated that plaintiff is not his brother rather he is his cousin and whose father name is Gul Badshah. PW-1 to PW-3 were subjected to cross examination but nothing substantial was brought on record which could have shattered their testimony rather they remained consistent regarding the facts uttered by them in their examination in chief. So, the oral and documentary evidence produced by the plaintiff clearly establishing that Gul Badshah was the real father of the plaintiff while Noor Hassan is the paternal uncle of the plaintiff. Similarly, record reflects that the name of mother of plaintiff is Parash Bibi while Noor Marjana is not his mother rather she is the wife of his uncle. So, the incorporation of name of father of plaintiff as Noor Hassan instead of Gul Badshah and mother

FARMANULLAH
Senior Civil Judge
Orakzai at Babel Mela
25-6-2020

name as Noor Marjana instead of Parash Bibi in the record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

Issue No. 01 & 03:

These issues are taken together. For what has been held in issue No. 3, this court is of the opinion that plaintiff has got cause of action and he is entitled to the decree as prayed for.

The issues are decided in positive.

Relief:

Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the name of father of plaintiff as Gul Badshah and mother name as Parash Bibi in their record. Parties are left to bear their own costs.

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

Announced
25/06/2020

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).

CERTIFICATE

Certified that this judgment of mine consists 04 (four) pages, each has been checked, corrected where necessary and signed by me

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).