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

Suit No.....84/1 of 2024

Date of Institution..... 09.07.2024

Date of Decision.....08.03.2024

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**Amin Salaar s/o Khial Man Shah, R/O Qoum Ali Khel,  
Tappa Jasrat Khel, Tehsil Upper, District Orakzai.**

.....(*Plaintiff*)

**Versus**

1. Chairman NADRA, Islamabad.
2. Director General NADRA, District Orakzai.
3. Assistant Director NADRA, District Orakzai.
4. Board of Intermediate and Secondary Education, Kohat.

..... (*Defendants*)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION**

**JUDGMENT**

08.03.2025

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

**Pleadings:**

Facts as recounted in the plaint reads that correct and desired name of the plaintiff is Amin Salaar while the defendants

have recorded the same as Mast Amin; Furthermore, correct

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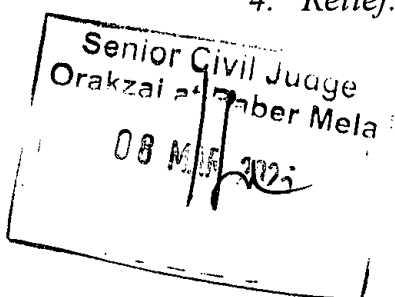
spelling of father's name of the plaintiff is Khial Man Shah which has been wrongly entered as Khail Man Shah by defendants No. 04, hence, the suit.

In rebuttal, the representative of defendants No. 01 to 03 and legal advisor for the defendant No. 04 have raised the regular objections to legal validity of the claim, the standing of the plaintiff, and factual version of the matter. They assert that correct name of the plaintiff is Mast Amin which is provided by the plaintiff himself 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 the name of the plaintiff in record of the defendants is Mast Amin and now he wants to change his name as Amin Salaar in his record with the defendants?*
3. *Whether correct father's name of the plaintiff is Khial Man Shah but the same has been wrongly mentioned as Khail Man Shah by defendant Nol 04?*
4. *Relief.*



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

**Witnesses/Exhibits:**

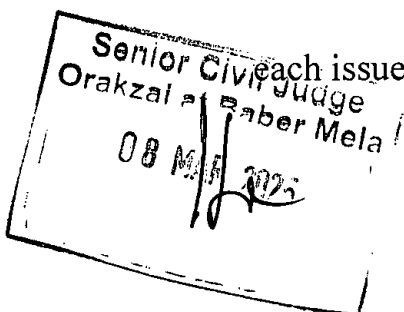
Amin Salaar, the plaintiff himself appeared as PW-01, Shahid Ullah s/o Rehman Shah as PW-02, Wajid Ullah s/o Muhammad Ayub Khan as PW-03, Iftikhar Ahmad, representative for defendants No. 01 to 03 as DW-01 and Shaheen Muhammad advocate, legal advisor of defendant No. 04 as DW-02. They have exhibited the following documents;

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

**Reasons/Reasoning:**

Issue wise reasoning of the court following ruling on

each issue, and finally on the suit is as follows:



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**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 favorite name and spelling 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.

**Issues No 02 & 03:**

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

These issue houses the heart of the suit: correct/favorite name of the plaintiff and correct name of his father. It is claimed that correct/favorite name of the plaintiff is Amin Salaar while the defendants have recorded the same as Mast Amin and correct spelling of his father's name is Khial Man Shah but the same has been wrongly recorded as Khail Man Shah (خائل من شاه) by defendant No. 04.

The plaintiff himself appeared as PW-01 and narrated the same story as in the plaint and exhibited all the relevant

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documents. PW-02 and PW-03 also concedes that correct/favorite name of the plaintiff is Amin Salaar and he is called/known by the same name in the locality and correct name of his father is Khial Man Shah and further supported the stance of the plaintiff.

Defense's witnesses concedes that correct name supplied by the plaintiff himself is Mast Amin and father's name of the plaintiff is correctly recorded.

First, we take the name of the father. His name is variously and incorrectly spelt as Khail Man Shah instead of Khial Man Shah, of which the former is evidently wrong. Khial is a common first name used widely in the region. The issue is therefore decided for the plaintiff.

Next, we address the name of the plaintiff. Plaintiff was named Mast Amin at birth. Mast is an Urdu/Pashto word for intoxicated, crazy, senseless, ecstatic. All loss of voluntary loss of senses is forbidden in Islam. Besides, it is the foremost duty of a parent to give a good name to his child, as it bears on his character.

Learned counsel in course of arguments produced traditions of the Noble Prophet about giving good names, and changing inappropriate ones. Upon his own person, everybody is a sovereign. If a plaintiff desires to change his name from a poor

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one to a good one, the state has little concern with such a decision.

What could possibly be a better argument in favour of a cause than a prophetic tradition in its support. To relate just one Hadith of the Noble Prophet SAW:

“Ibn Umar reported that Allah’s Messenger (may peace be upon him) changed the name of ‘Asiya (Disobedient) and said: You are Jamila (i.e good and handsome). Ahmad (one of the narrators) narrated it with a slight variation of wording.”  
*(Book 25, Number 5333).*

“Muhammad b, Amr b. ‘Ata’ reported: I had given the name Barra to my daughter. Zainab, daughter of Abu Salama, told me that Allah’s Messenger (may peace be upon him) had forbidden me to give this name. (She said): I was also called Barra, but Allah’s Messenger (may peace be upon him) said: Don’t hold yourself to be pious. It is God alone who knows the people of piety among you. They (the Companions) said: Then, what name should we give to her? He said: Name her as Zainab”  
*(Book 25, Number 5337).*

In view of the discussion above, the issue is decided

for the plaintiff.

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**RELIEF:**

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in his favor against the defendants as prayed for. Name of the plaintiff is declared as *Amin Salaar* and correct spelling of his father's name as *Khial Man Shah*. Defendants shall bring their records in line with this judgment. Costs shall follow. This decree shall not affect the rights of other persons interested, if any.


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

**ANNOUNCED**  
08.03.2025

  
(Ijaz Mahsood)  
Senior Civil Judge,  
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**CERTIFICATE**

It is certified that this judgment consists of 07 pages. Each page has been dictated, read, corrected and signed by me.

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