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

Suit No..... 104/1 of 2024.

Date of Institution..... 17.10.2024.

Date of Decision.....08.03.2025.

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Habib Khan s/o Yar Badshah, R/O Qoum Rabia Khel,
Tappa Piyao Khel, Janda Sam, District Orakzai.

.....(*plaintiff*)

Versus

Assistant Director NADRA Orakzai through representative.

..... (*Defendant*)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT

08.03.2025

This judgment decides instant case filed by Mr. Habib Khan for correction of his name, father's name and address in his record as maintained by the defendant.

Pleadings:

The claim as related in the amended plaint reads that correct name of the plaintiff is Habib Khan son of Yar Badshah and his correct address is Qoum Rabia Khel, Tappa Piyao Khel, Janda Sam, District Orakzai while the defendants have wrongly entered the same as Meera Jan s/o Akhma Jan (اخما جان) and address as Shaho Khel, Hangu respectively. It is alleged that


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when defendant was requested to rectify the mistake extra-judicially, he 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 according to family tree, name, father's name and address of the plaintiff have been correctly recorded 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 names of the plaintiff is Habib Khan s/o Habib Khan and his correct address is Qoum Rabia Khel, Tappa Piyao Khel, Janda Sam, District Orakzai while the defendants have wrongly entered the same as Meera Jan s/o Akhma Jan (انما جان) and address as Shaho Khel, Hangu respectively.
3. 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:

Habib Khan, the plaintiff himself appeared as PW-01, Akhma Jan (Ahmad Jan) s/o Zarbali Shah as PW-02, Mehboob Khan s/o Akhma Jan (Ahmad Jan) as PW-03 and Iftikhar Ahmad, representative of the defendant as DW-01. They have exhibited the following documents;

- Copy of domicile certificate of the plaintiff as Ex.PW-1/1.
- Copy of CNIC of Sharbat Khan, real brother of the plaintiff as Ex.PW-1/2.
- Copy of CNIC of PW-02 as Ex.PW-2/1.
- Copy of CNIC of PW-03 as Ex.PW-3/1.
- Family Trees of the plaintiff 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:

Issue No 01:


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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 name, father's name and address, 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 name, father's name and address of the plaintiff.

Mr. Habib Khan, the plaintiff himself, took the stand as PW-01. He stated that Sharbat Khan is his real brother and father's name is correctly mentioned as Yar Badshah in his CNIC and further narrated the same story as in the plaint and requested for decree of the suit.

Mr. Akhma Jan, uncle of the plaintiff, took the stand as PW-02. He supported the stance of the plaintiff by admitting the fact that Yar Badshah was his brother and after the death of Yar Badshah, his wife namely Laal Mina, was married to him (PW-02) and further stated that plaintiff Habib Khan is his

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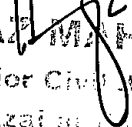
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nephew and correct name of his father is Yar Badshah. He further conceded that correct address of the plaintiff is Qoum Rabia Khel, Tappa Piyao Khel, Janda Sam, District Orakzai.

Conversely, Mr. Mehboob Khan, ^{step} foster brother of the plaintiff from the proposed parents, took the stand as PW-03 and admitted the contents of the plaint.

Furthermore, statement of Mr. Sarfaraz, Naib Qasid to SCJ, Orakzai recorded who verified domicile certificate of Mr. Habib Khan from the office of DC, Orakzai; wherein, the address mentioned is Qoum Rabia Khel, Tappa Piyao Khel, Janda Sam, District Orakzai.

Defense's only witness concedes that according to family tree, correct name of the plaintiff is Meera Jan, his correct father's name is Akhma Jan and correct address as Shaho Khel, District Hangu but admitted in his cross-examination that according to PW-02, PW-03 and domicile certificate Ex.W-1/1, correct name, father's name and address of the plaintiff are Habib Khan s/o Yar Badshah resident of Qoum Rabia Khel, Tappa Piyao Khel, Janda Sam, District Orakzai. He further admitted that correct name of father of Sharbat Khan (real brother of the plaintiff) is mentioned as Yar Badshah in his CNIC.


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In these circumstances, when Mr. Akhma Jan (Ahmad Jan) his recorded father and Mr. Mehboob Khan have conceded the proposition of plaintiff being their nephew and foster brother, respectively, the court is inclined to agree with the plaintiff. Address of Mr. Habib Khan is also established from the domicile certificate duly verified by the authority. 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 name of the plaintiff is declared as Mr. Habib Khan, father's name as Yar Badshah and his correct address is declared as Qoum Rabia Khel, Tappa Piyao Khel, Janda Sam, District Orakzai.* Defendant shall bring his records in line with this judgment. Costs shall follow the event.

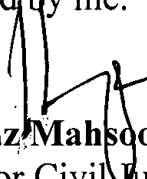
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
08.03.2025


(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)