

IN THE COURT OF ZAHIR KHAN
CIVIL JUDGE-I, TEHSIL KALAYA, ORAKZAI

Suit No.....95/1 of 2022.
Date of Original Institution.....21.09.2022.
Date of Remand.....25.01.2023.
Date of Decision.....09.02.2023.

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Umair Ali S/O Abdul Jabar R/O Village Mahora, Tehsil Lower, District
Orakzai.

.....(Plaintiff)

VERSUS

1. Chairman NADRA, Islamabad.
2. Assistant Director NADRA, District Orakzai.

..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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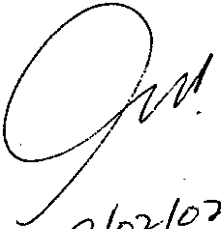
JUDGEMENT

09.02.2023

Through this judgement, I am going to dispose of the instant suit remanded by the court of learned Additional District & Sessions Judge, Orakzai vide judgement dated 25.01.2023.

Record shows that suit of plaintiff was dismissed vide judgement and decree dated 22.11.2022. Plaintiff challenged the judgement and decree dated 22.11.2022. Learned appellate court set aside judgement and decree dated 22.11.2022 and remanded back the case with directions to proceed with the case in accordance with law.

Brief facts in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that correct


09/02/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

mother's name of plaintiff is **Bibi Mehreen**, however, the defendants have incorrectly entered the same as **Bibi Halal** which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to rectify mother's name of plaintiff but in vain hence, the present suit.

Defendants marked their attendance through representative and contested the suit by filing authority letter and written statement.


From divergent pleadings of the parties, the following issues were framed for adjudication of real controversy between the parties.

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct mother's name of plaintiff is Bibi Mehreen instead of Bibi Halal? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief?

Upon submission of list of witnesses, both the parties on being provided with an opportunity to adduce their desired evidence, the parties produced their respective evidence.

After the completion of evidence, arguments of the learned counsel for the parties were heard and record of the case file was gone through with their valuable assistance.


09/02/23
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

During course of recording evidence, special attorney of plaintiff namely Lal Wazir appeared and deposed as PW-01. Copy of his CNIC is Ex. PW-1/1. He stated that Mst. Bibi Halal is his mother while Bibi Mehreen is the mother of plaintiff but defendants have wrongly and incorrectly entered mother's name of plaintiff as Bibi Halal which is liable to be rectified.

Thereafter, evidence of plaintiff was closed.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced CNIC processing form, family trees (02 sheets) and Birth Certificate which are Ex. DW-1/1 to Ex. DW-1/3. He stated that plaintiff has been issued CNIC as per information provided by plaintiff and that he has got no cause of action and lastly requested for dismissal of suit.

Thereafter, evidence of defendants was closed.

My issue wise findings are as under: -

ISSUE NO.2:

Claim and contention of plaintiff is that, correct mother's name of plaintiff is **Bibi Mehreen** whereas defendants have incorrectly and wrongly entered the same as **Bibi Halal** which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.

Record transpires that previous suit of plaintiff for rectification of his father's name as Abdul Jabbar instead of Syed Lal



09/02/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Jan was decreed in favour of plaintiff vide summary judgement dated 26.08.2022. Mst. Bibi Mehreen was the wife of Abdul Jabbar. After death of Abdul Jabbar, she married Syed Shah Jahan Hussain who is the uncle of PW-01. If suit of plaintiff is not decreed, rectification of father's name of plaintiff, which has already been decreed, will not be possible. Plaintiff produced cogent, convincing and reliable documentary as well as oral evidence in support of his claim and contention.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, it is held that plaintiff is the son of Bibi Mehreen. Hence, issue decided in favour of plaintiff and against the defendants.

ISSUES NO.1 & 3.

In the light of foregoing discussion, it is held that plaintiff proved his claim through cogent, convincing and reliable documentary and oral evidence; therefore, he has got cause of action and he is entitled to the decree, as prayed for. Both these issues are decided in positive and in favour of plaintiff.

RELIEF.

Crux of my issue wise discussion is that as plaintiff proved his claim through cogent, convincing and reliable documentary and oral evidence, therefore, suit of the plaintiff is hereby decreed in his favour. No order as to cost. This decree shall not affect rights of



29/02/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

others interested, if any. This decree shall not affect service record of plaintiff, if any.

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

ANNOUNCED
09.02.2023



Zahir Khan

Civil Judge-I, Kalaya, Orakzai

CERTIFICATE

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



Zahir Khan

Civil Judge-I, Kalaya, Orakzai