

IN THE COURT OF ZAHIR KHAN
Civil Judge-I, Kalaya, Orakzai

Suit No.....5/1 of 2023.

Date of Institution.....28.02.2023.

Date of Decision.....25.03.2023.

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Mst. Bibi Qainoos Fatima D/O Badshah Hussain R/O Qaum Bar
Muhammad Khel, Tappa Mera Zai Khel, PO Kurez, 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 JUNCTION

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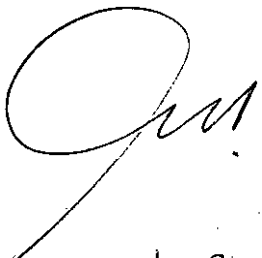
JUDGEMENT

25.03.2023

Through this judgement, I am going to dispose of the instant
suit filed by plaintiff namely Mst. Qainoos Fatima against defendants.
Chairman NADRA, Islamabad and one other for declaration and
permanent injunction.

Brief facts as per amended plaint are that correct father's
name of plaintiff is Badshah Hussain whereas defendants have
incorrectly and wrongly entered the same as Syed Aleem Hussain.

Plaintiff has further averred that her correct mother's name is Bibi
Sahib whereas defendants have incorrectly and wrongly entered the



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same as Zuhra Bibi in their official record which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to do the needful but in vain, hence the present suit.


After institution of the suit, defendants were summoned, who 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. The controversial pleadings of the parties were reduced into the following issues:

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether suit of plaintiff is within time? OPP
3. Whether correct father's name of plaintiff is Badshah Husain instead of Syed Aleem Hussain? OPP
4. Whether plaintiff is entitled to the decree as prayed for? OPP
5. Relief.

Later on, plaintiff filed application for amendment of plaint which was allowed being not objected by defendants. Amended plaint was submitted. Defendants opted not to file amended written statement. The following amended issues were framed.


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AMENDED ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether suit of plaintiff is within time? OPP
3. Whether correct father's name of plaintiff is Badshah Husain instead of Syed Aleem Hussain and correct mother's name of plaintiff is Bibi Sahib instead of Zuhra Bibi? OPP
4. Whether plaintiff is entitled to the decree as prayed for? OPP
5. 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 counsels for the parties were heard and record of the case file was gone through with their valuable assistance.

Plaintiff produced two witnesses in support of her claim while defendants produced one witness in defense.

Syed Sajjad Husain, special attorney of plaintiff appeared and recorded his statement as PW-01. He supported plea of plaintiff. Special power of attorney is Ex. PW-1/1, copy of his CNIC is Ex.PW-1/2, copy of CNIC of plaintiff is Ex.PW-1/3 and copy of MNIC of Badshah Husain is Ex.PW-1/4.

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Sajjad Ali, co-villager of plaintiff appeared and deposed as PW-02. He fully supported the claim of plaintiff. Copy of his CNIC is Ex. PW-2/1.

Thereafter, evidence of plaintiff was closed.

Nothing contradictory could be brought on record from the statement of PWs.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree and processing form of plaintiff, which are Ex. DW-1/1 and Ex. DW-1/2 respectively. He stated that plaintiff was issued CNIC as per information provided by her and that she has got no cause of action and lastly requested for dismissal of suit.

Thereafter, evidence of defendants was closed.

Today, plaintiff along with special attorney/PW-01 Syed Sajjad Husain appeared before the court. As plaintiff was present in the court, therefore, her statement was recorded as CW-01. She reiterated the averments of plaint and lastly requested for decree of suit in her favour as prayed for.

The above discussion boils down to my following issue-wise findings.

AMENDED ISSUE NO.2

Plaintiff has been issued CNIC on 11.09.2018 with expiry date as 11.09.2028. Suit in hand was filed on 28.02.2023. As period of



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limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiff is held to be within time. Issue No. 2 decided in positive.

AMENDED ISSUE NO.3

Claim and contention of plaintiff is that, correct father's name of plaintiff is Badshah Hussain whereas defendants have incorrectly and wrongly entered the same as Syed Aleem Hussain. She has further averred that her correct mother's name is Bibi Sahib whereas defendants have incorrectly and wrongly entered the same as Zuhra Bibi which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.

Plaintiff produced cogent, convincing and reliable documentary as well as oral evidence in support of her claim and contention. DW-01, in his cross examination, admitted that the modification sought by plaintiff will not affect family tree of Badshah Hussain.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, issue No. 3 decided in favour of plaintiff and against the defendants.

AMENDED ISSUES NO.1 & 4.

In the light of foregoing discussion, plaintiff has proved her stance through cogent, convincing and reliable documentary and oral evidence, therefore, she has got cause of action and is entitled to the



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decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her favor against the defendants as prayed for. No order as to cost. 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
25.03.2023



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CERTIFICATE

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.



Zahir Khan
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