

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

Suit No.....2/1 of 2023.

Date of Institution.....20.02.2023.

Date of Decision.....13.03.2023.

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Aslam Khan S/O Hashim Khan R/O Qaum Bar Muhammad Khel,  
Tehsil Lower, District Orakzai.

.....(*Plaintiff*)

Versus

1. Assistant Director NADRA, District Orakzai.

..... (*Defendants*)

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**SUIT FOR DECLARATION & PERMANENT JUNCTION**

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**JUDGEMENT**

13.03.2023

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Aslam Khan against defendants Assistant Director NADRA, District Orakzai for declaration and permanent injunction.

Brief facts as per amended plaint are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that deceased Naveed Ali was his son. His deceased son was issued CNIC by defendants whereon, father's name of deceased son is incorrectly and wrongly entered as Hashim Khan instead of Aslam Khan and his mother's name as Zamira Jan instead of Natmina Jan which entries are wrong, illegal and liable to be rectified. That



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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 deceased Naveed Ali was the son of Aslam Khan instead of Hashim Khan? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

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

### AMENDED ISSUES

1. Whether plaintiff has got cause of action? OPP

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2. Whether deceased Naveed Ali was the son of Aslam Khan and Natmina Jan instead of Hashim Khan and Zamira Jan? 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 counsels for the parties were heard and record of the case file was gone through with their valuable assistance.

Plaintiff produced three witnesses in support of his claim while defendants produced one witness in defense.

Nishad Begum, wife of deceased Naveed Ali appeared and recorded her statement as PW-01. She supported plea of plaintiff. Copy of her CNIC is Ex. PW-1/1.

Aslam Khan, plaintiff appeared himself and deposed as PW-02. The affidavit for correction of record is Ex. PW-2/1. Copy of his CNIC is Ex. PW-2/2. Copy of CNIC of deceased Naveed Ali is Ex. PW-2/3. He lastly requested of decree of suit as prayed for.

Irfan Ali, son of plaintiff appeared and deposed as PW-03. Copy of his CNIC is Ex. PW-3/1. He also supported plea of plaintiff.

Thereafter, evidence of plaintiff was closed.

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



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Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced family trees of plaintiff and deceased, processing form and birth certificate of deceased namely Naveed Ali, which are Ex. DW-1/1 to Ex. DW-1/4 respectively. He stated that deceased son of plaintiff was issued CNIC in 2014 as per information provided by him and that he has got no cause of action and lastly requested for dismissal of suit.

Thereafter, evidence of defendants was closed.

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

**AMENDED ISSUES NO.2**

Claim and contention of plaintiff is that deceased Naveed Ali was his son. His deceased son was issued CNIC by defendants whereon, father's name of deceased son is incorrectly and wrongly entered as Hashim Khan instead of Aslam Khan and his mother's name as Zamira Jan instead of Natmina Jan which entries are wrong, illegal and liable to be rectified. That Hashim Khan and Zamira Jan are parents of plaintiff and grandparents of deceased Naveed Ali.

There are two issues before the court. One is that whether a deceased person can be issued CNIC with modification and second is whether correct parentage of deceased is Aslam Khan and Natmina Jan instead of Hashim Khan and Zamira Jan.



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As far as, the 2<sup>nd</sup> issue is concerned, plaintiff produced cogent, convincing and reliable documentary as well as oral evidence to the effect that correct parentage of Naveed Ali is Aslam Khan and Natmina Jan. Hashim Khan and Zamira Jan are the parents of plaintiff and the grandparents of deceased Naveed Ali.

As far as, 1<sup>st</sup> issue is concerned, admittedly, deceased person cannot be issued CNIC with any modification. CNIC of deceased person cannot be printed. Representative of defendants was confronted with the same and he explained that a deceased person cannot be issued CNIC, however, modification in the record is possible per NADRA SOPs. He further explained that even modification of date of birth and marital status of deceased person is possible. Record of deceased person is moved to history per NADRA SOPs. In cross examination, DW-01 admitted that the modification sought by plaintiff is possible. After rectification, record of the deceased person will be moved to history.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, issue decided in favour of plaintiff and against the defendants.

AMENDED ISSUES NO.1 & 4.

In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and reliable documentary and oral evidence, therefore, he 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 his 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**  
13.03.2023



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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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