

IN THE COURT OF SYED ABBAS BUKHARI,
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 26/1 of 2023
Date of Original Institution: 18.03.2023
Date of Decision: 18.04.2023

Saeed Ullah S/O Peer Badshah, R/O Qaum Mishti, Tapa Haider Khel, Navi Mela, Tehsil Central, District Orakzai.

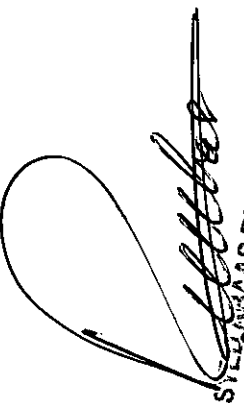
.....(Plaintiff)

VERSUS

- 1. **Chairman, NADRA, Islamabad.**
- 2. **Assistant Director, NADRA District Orakzai.**
- 3. **Director General NADRA, KPK, Peshawar.**

.....(Defendants)

SUIT FOR DECLARATION -CUM- PERPETUAL AND MANDATORY INJUNCTION



SYED ABBAS BUKHARI
CIVIL JUDGE-II
TEHSIL COURTS, KALAYA, ORAKZAI

JUDGMENT

Brief facts of the case that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that correct father name of plaintiff is **Peer Badshah** and correct mother name of plaintiff is **Olas Bibi** while defendants have wrongly entered the same as Badshah Khan and Janat Bibi in their 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 rectify name and husband name of plaintiff but they refused, hence, the present suit.

With due process of law and procedure, the defendants were summoned, who appeared through their

representative, who submitted authority letter and written statement.

Divergent pleadings of the parties were reduced into the following issues;

Issues:

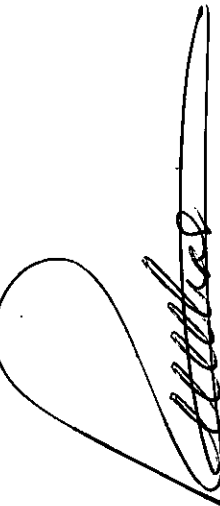
1. Whether plaintiff has got cause of action? OPP
2. Whether the correct father name and mother name of plaintiff are **Peer Badshah** and **Olas Bibi** while same has been incorrectly entered in the record of defendants as Badshah Khan and Janat Bibi respectively? OPP
3. Whether the plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

Issue wise findings of this court are as under: -

Issue No. 02:

Whether the correct father name and mother name of plaintiff are **Peer Badshah** and **Olas Bibi** while same has been incorrectly entered in the record of defendants as Badshah Khan and Janat Bibi respectively? OPP

The plaintiff alleged in his plaint that the correct father name of plaintiff is **Peer Badshah** and correct mother name of plaintiff is **Olas Bibi**, however, defendants have entered the same as Badshah Khan and Janat Bibi respectively which are wrong, ineffective

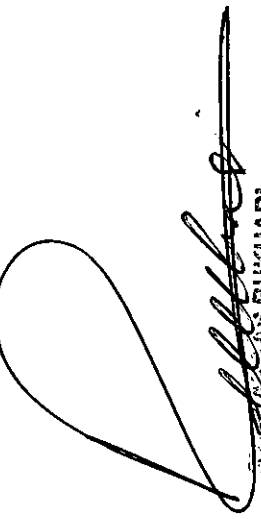


SYED SAAD ULLAH
Civil Judge (Sd) I
Tehsil Courts Kohala

upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

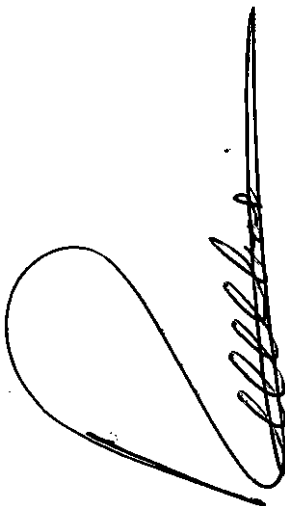
The plaintiff produced witnesses in whom Mr. Noor Khaliq S/O Afsar Khan, the attorney for the plaintiff, appeared as PW-01. He produced the copy of his CNIC, special power of attorney and copy of plaintiff CNIC which are Ex. PW-1/1 and Ex. PW-1/3 respectively. He stated that correct father name of plaintiff is **Peer Badshah** and correct mother name of plaintiff is **Olas Bibi** whereas, defendants have wrongly entered the same as Badshah Khan and Janat Bibi. He further stated that the father of plaintiff had been died and due to non-availability of plaintiff's father CNIC, the plaintiff has brought the CNIC of plaintiff's relative namely Badshah Khan CNIC to NADRA office. Defendant have considered the one Badshah Khan as father of plaintiff and Janat Bibi is mother of the plaintiff. He lastly requested for decree of the suit. During cross examination he stated that plaintiff is his cousin and father of plaintiff had been died.

Mr. Hazrat Ullah S/O Peer Badshah, the brother of the plaintiff is appeared as PW-02. He stated that the plaintiff is 03 years elder than me. He further stated


Peer Badshah
CIVIL JUDGE
T-62

that his correct father name is **Peer Badshah** and correct mother name is **Olas Bibi** while it has been wrongly entered as Badshah Khan and Janat Bibi respectively in defendants record. His CNIC is Ex. PW-2/1. He lastly requested for decreed the suit. During cross examination he stated that one Badshah Khan is his relative.

Muhammad Din S/O Badshah Khan, appeared and deposed as PW-03. He stated that incorrectly entered the parent's name in the CNIC of plaintiff. He further stated that CNIC issued to the plaintiff on his parent's record. He lastly requested that kindly remove the plaintiff from his family tree. His CNIC is Ex. PW-3/1. During cross examination he stated that one Badshah Khan is his father and Janat Bibi is his mother. He further stated that plaintiff is his relative.


SYED SAAD ULLAH
Civil Judge (M) I
District Courts Malaya

In order to counter the claim of the plaintiff, the defendants produced only one witness, the representative of the defendants who appeared as DW-1. He produced the family tree and CNIC processing form of plaintiff which are Ex. DW-1/1 and Ex. DW-1/2 respectively and according to that exhibits the father name of plaintiff is Badshah Khan and mother name is Janat Bibi, to these documents, plaintiff made his first CNIC on 12.07.2016. He lastly requested for dismissal

of the suit. During cross examination he stated that according to NADRA SOPs parentage can be changed on the biometric of sibling.

In light of above discussion as plaintiff succeeded to prove his stance by producing cogent, documentary, oral and reliable witnesses, which fully supported the claim of the plaintiff. Thus, the plaintiff established his claim through cogent and reliable evidence, therefore, the issue is decided in positive.

Issue No. 01 & 03:

Whether the plaintiff has got cause of action? OPP

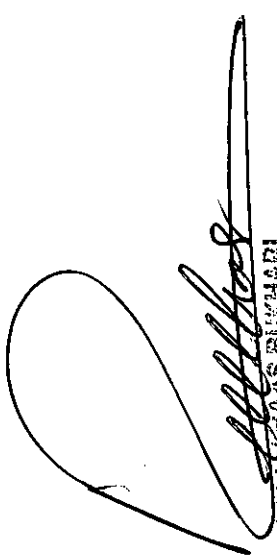
Whether the plaintiff is entitled to the decree as prayed for? OPP

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

As sequel to my findings on issue No. 2, the plaintiff has got a cause of action and therefore he is entitled to the decree as prayed for. Thus, both these issues are decided in positive.

RELIEF:

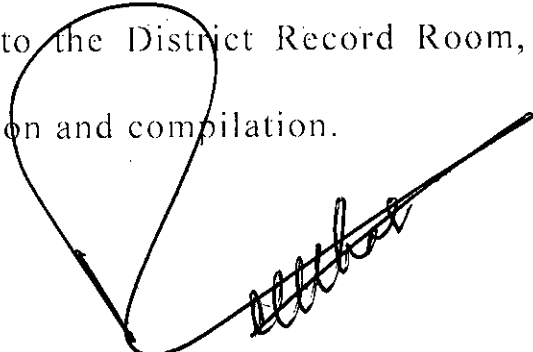
As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for. No order as to costs. Defendants are directed to correct the father name of plaintiff as **Peer Badshah** and mother name as **Olas Bibi** in their record. This decree shall not


SYED MASOOD BUKHARI
COURT CLERK
TARIQ COURT HOUSE KARACHI

effect the rights of other person(s) or service record if any.

File be consigned to the District Record Room, Orakzai after its completion and compilation.

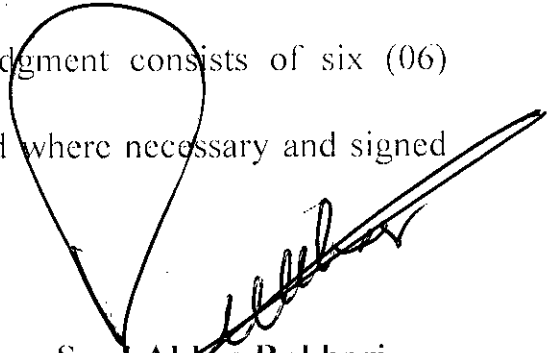
Announced
18.04.2023



Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai

CERTIFICATE

Certified that this judgment consists of six (06) pages, each has been checked, corrected where necessary and signed by me.



Syed Abbas Bukhari
Civil Judge-II,
Tehsil Court, Kalaya, Orakzai