

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

Suit No.....15/1 of 2023.
Date of Institution.....03.04.2023.
Date of Decision.....11.04.2023.

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Ajwali Khan S/O Wakeel Said R/O Qaum Utman Khel, Tappa Fateh
Khan Khel, Tehsil Lower, District Orakzai.
.....(Plaintiff)

Versus


1. Assistant Director NADRA, District Orakzai.
..... (Defendants)

SUIT FOR DECLARATION & PERMANENT JUNCTION

JUDGEMENT
11.04.2023

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

Brief facts in the backdrop are that plaintiff has filed the
instant suit for declaration cum-permanent injunction to the effect that
correct father's name of plaintiff is **Wakeel Said** whereas defendants
have incorrectly and wrongly entered the same as **Khan Said** which
entry is wrong, illegal and ineffective upon the rights of plaintiff and
liable to be rectified. It is further averred that Talib Jan is the mother of
plaintiff and her husband's name is correctly recorded in her CNIC as


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Wakeel Said. 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.

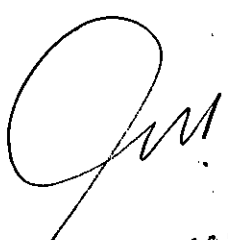
From divergent pleadings of the parties, the following issues were framed for adjudication of real controversy between the parties. The controversial pleadings of the parties were reduced into the following issues:

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct father's name of plaintiff is Wakeel Said instead of Khan Said? 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.



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

Ajwali Khan, plaintiff appeared himself and deposed as PW-01. He reiterated the averments of plaint. Copy of CNIC of father of plaintiff is Ex. PW-1/1. Copy of his CNIC is Ex. PW-1/2. Copy of CNIC of mother of plaintiff is Ex. PW-1/3. He lastly requested of decree of suit as prayed for.

Rehman Said, uncle of plaintiff appeared and deposed as PW-02. He also supported plea of plaintiff. Copy of his CNIC is Ex. PW-2/1.

Thereafter, evidence of plaintiffs was closed.


Nothing contradictory could be brought on record from the PWs. Later on, plaintiff, who deposed as PW-01, was re-examined he produced school certificate Ex.PA as per which his father's name is recorded as Wakeel Said.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree which is Ex. DW-1/1. 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.

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

ISSUES NO.2


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Claim and contention of plaintiff is that his correct father's name is **Wakeel Said** whereas defendants have incorrectly and wrongly entered the same as **Khan Said** which entry is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. It is further averred that Talib Jan is the mother of plaintiff and her husband's name is correctly recorded in her CNIC as Wakeel Said.


Plaintiff produced cogent, convincing and reliable documentary as well as oral evidence in support of his claim and contention. NADRA record of Wakeel Said and Mst. Talib Jan produced by representative of defendants further support plea of plaintiff. Per NADRA record (Ex.PW-1/1 & Ex.PW-1/3) and record produced by representative of defendants, Mst. Talib Jan is the wife of Wakeel Said who is the mother of plaintiff.

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 Wakeel Said. Hence, issue decided in favour of plaintiff and against the defendants.

ISSUES NO.1 & 3.

In the light of foregoing discussion, plaintiff has proved her stance through cogent, convincing and reliable documentary and oral evidence, therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

RELIEF:


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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

11.04.2023



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CERTIFICATE

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



Zahir Khan

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