

**IN THE COURT OF FARMAN ULLAH,  
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No. 260/1 of 2019  
Date of Institution: 10/02/2020  
Date of Decision: 21/09/2020

**Ghuncha Gul s/o Sar Gul**

Resident of Karonjaki Section Ali Khel, Sub Section Aimal Khan Khel, PO Ghiljo,  
Tehsil Upper & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Registrar, General NADRA Islamabad.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

**SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION**

**JUDGEMENT:**

Brief facts of case in hand are that the plaintiff, **Ghuncha Gul s/o Sar Gul**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that his correct name is "**Ghuncha Gul**" and his real mother's name is "**Bas Nama**" while defendants have wrongly mentioned his name as "**Ghucha Gul**" and his mother's name as "**Ail Ahya**" in their record, which are incorrect and liable to be corrected. That Mst Ail Ahya is the step mother of the plaintiff and her age and age of plaintiff is almost the same as year of birth of

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both is 1965. But inspite of this she has been recorded as real mother of plaintiff in record of NADRA.

Hence, the present suit.

Defendants were summoned, who appeared through attorney namely Syed Farhat Abbas and submitted written statement, wherein they contested the suit of plaintiff on various grounds.

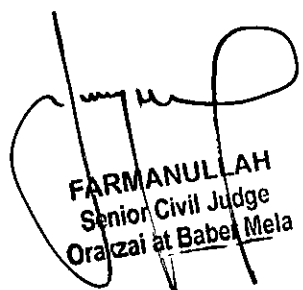
Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct name of the plaintiff is "**Ghuncha Gul**" while defendants have wrongly mentioned the same as "**Ghucha Gul**" in the CNIC of the plaintiff?
3. Whether the correct name of real mother of the plaintiff is "**Bas Nama**" while defendants have wrongly mentioned the name of step mother "**Ail Ahya**" as mother of the plaintiff in their record?
4. Whether plaintiff is entitled to the decree as prayed for?
5. Relief.

6. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced his witnesses as PW-1 to PW-3.

7. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record of plaintiff and exhibited the same as Ex. DW-1/1 to Ex. DW-1/3.

  
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8. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
9. My issues wise findings are as under:

**Issue No.02 & 03:**

These issues are interlinked and interconnected, hence to avoid repetition of facts, the same are taken together for discussion. Plaintiff contended in his plaint that his correct name is **Ghuncha Gul** but inadvertently the same was erroneously recorded as **Ghucha Gul** in NADRA record and secondly, the correct mother's name of the plaintiff is **Bas Nama** who died on 25.02.1989 without obtaining CNIC from NADRA but inadvertently the name of his step mother **Ail Ahya** was recorded as mother of plaintiff in record of defendants instead of **Bas Nama**. Hence, the record is liable to be corrected.

Plaintiff in support of his contention has appeared as PW-

1 and he repeated the contents of the plaint in his examination in chief. He also produced his CNIC as Ex.PW-1/1, his service record as Ex.PW-1/2, mother's death certificate as Ex.PW-1/3, CNIC of his father as Ex.PW-1/4, CNIC of his step mother as Ex.PW-1/5 and CNICs of his step brothers namely Jameen Gul and Irshad Khan as Ex.PW-1/6 and 1/7, while PW-2, who is close relative of the plaintiff stated in his examination in chief that correct name of the plaintiff is **Ghuncha Gul** and his

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mother's name is **Bas Nama** while **Ail Ahya** is step mother of the plaintiff. PW-3, who is cousin of the plaintiff, supported the contention of the plaintiff. PW-1 to PW-3 were subjected to cross examination but nothing substantial was brought on record which could have shattered their testimony rather they remained consistent regarding the facts uttered by them in their examination in chief. So, the oral and documentary evidence produced by the plaintiff clearly establishing that correct name of the plaintiff is **Ghuncha Gul** and his mother's correct name is **Bas Nama**, while the name mentioned **Ail Ahya** as real mother of the plaintiff in NADRA record is actually the step mother of the plaintiff. So, the incorporation of name of plaintiff as **Ghucha Gul** instead of **Ghuncha Gul** and mother name as **Ail Ahya** instead of **Bas Nama** in the record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

**Issue No. 01 & 04:**

These issues are taken together. For what has been held in issue No.2 and 3, this court is of the opinion that plaintiff has got cause of action and he is entitled to the decree as prayed for.

The issues are decided in positive.

**Relief:**


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Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their record by incorporating the name of plaintiff as **Ghuncha Gul** and mother name as **Bas Nama** in their record. Parties are left to bear their own costs.

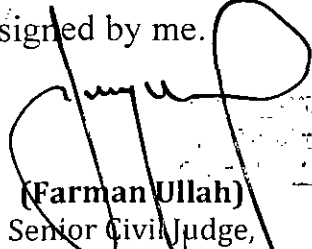
10. File be consigned to the record room after its completion and compilation.

**Announced**  
21/09/2020

  
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Orakzai (at Baber Mela)  
(Farman Ullah)  
Senior Civil Judge,  
Orakzai (at Baber Mela).

**CERTIFICATE**

Certified that this judgment of mine consists **05** (five) pages, each has been checked, corrected where necessary and signed by me.

  
FARMANULLAH  
Senior Civil Judge  
Orakzai (at Baber Mela)  
(Farman Ullah)  
Senior Civil Judge,  
Orakzai (at Baber Mela).