

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

Civil Suit No. 264/1 of 2020  
Date of Institution: 22/02/2020  
Date of Decision: 07/10/2020

**Qismat Bibi w/o Muhammad Aqil**

Resident of Tarkho Sam Section Stori Khel, Sub Section Mala Khel, PO Tazi Khel,  
Tehsil Lower & 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, **Qismat Bibi w/o Muhammad Aqil**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that her mother's correct name is "**Bas Maro**" while defendants have wrongly mentioned the same as "**Maryam Bibi**" in their record, which is incorrect and liable to be corrected. That Mst Maryam Bibi is the mother-in-law of the plaintiff 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.

*FARMAN ULLAH*  
Senior Civil Judge  
Orakzai at Baber Mela

07.10.2020

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 real mother of the plaintiff is "**Bas Maro**" while defendants have wrongly mentioned the name of her mother-in-law "**Maryam Bibi**" as mother of the plaintiff in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

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

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-1/4.

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

Issue No.02:

Plaintiff contended in her plaint that her mother's correct name is "**Bas Maro**" but inadvertently the name of her mother-in-law "**Maryam Bibi**" was recorded as her mother in record of defendants instead of "**Bas Maro**". Hence, the record is liable to be corrected.

07.10.2020  
 6.  
 Original  
 Judge  
 Judge  
 Judge

Muhammad Alam as attorney in support of the contention of the plaintiff 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, copy of CNIC of the plaintiff as Ex.PW-1/2, CNIC copy of plaintiff's husband as Ex.PW-1/3, CNIC copy of plaintiff's father as Ex.PW-1/4, CNIC copy of plaintiff's mother as Ex.PW-1/5, CNIC copy of plaintiff's mother-in-law as Ex.PW-1/6, while PW-2, who is real uncle of the plaintiff stated in his examination in chief that correct name of the mother of the plaintiff is "**Bas Maro**" while "**Maryam Bibi**" is mother-in-law of the plaintiff. He produced and exhibited his CNIC as Ex.PW-2/1. PW-3, who is father-in-law 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 mother of the plaintiff is "**Bas Maro**" while the name mentioned "**Maryam Bibi**" as real mother of the plaintiff in NADRA record is actually the mother-in-law of the plaintiff. So, the incorporation of mother's name of the plaintiff as "**Maryam Bibi**" instead of "**Bas Maro**" in the record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

FARHANULLAH  
 Senior Civil Judge  
 Orakzai at Bahar Mela  
 07.10.2020

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**Issue No. 01 & 03:**

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

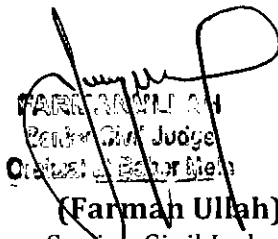
The issues are decided in positive.

**Relief:**

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

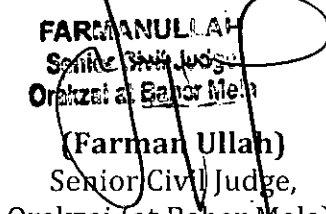
9. File be consigned to the record room after its completion and compilation.

**Announced**  
07/10/2020

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

**CERTIFICATE**

Certified that this judgment of mine consists 04 (four) 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).