

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

38

Civil Suit No. 261/1 of 2020
Date of Institution: 10/02/2020
Date of Decision: 15/10/2020

Dawood Khan s/o Lal man Shah

Section Darha Darh Mamozai, Sub Section Dray Plaray, PO Ghiljo, Tehsil Ismail Zai
& District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA Hayatabad KP.**
3. **Assistant Director, Registration NADRA District Orakzai.**
4. **Mst Bibi w/o Dawood Khan, District Orakzai**

(Defendants)

SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

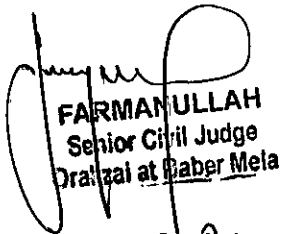
JUDGEMENT:

15.10.2020

Brief facts of case in hand are that the plaintiff, **Dawood Khan s/o Lal Man Shah**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that he is unmarried while defendants have wrongly mentioned him married as husband of Bibi in NADRA record, which is incorrect and liable to be corrected. Hence, the present suit.

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

Dawood Khan vs NADRA


FARMAN ULLAH
Senior Civil Judge
Orakzai at Baber Mela
15.10.2020

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

39

Issues:

1. Whether plaintiff has got cause of action?
2. Whether plaintiff is unmarried till date but defendants have erroneously mentioned in the record as married by incorporating Mst Bibi as wife of the plaintiff?
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 his witnesses as PW-1 to PW-2.
6. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record form of plaintiff and exhibited the same as Ex. DW-1/1 to Ex. DW-1/3.
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 his plaint that he is unmarried but inadvertently he is recorded married as husband of Mst Bibi in NADRA record. Hence, the record is liable to be corrected.

Muhammad Asif, attorney in support of the contention of the plaintiff has appeared as PW-1 and he repeated the contents

FARHANULLAH
Senior Civil Judge
Orakzai at Baber Mela

15-10-2020

45

of plaintiff in his examination in chief. He produced his power of attorney as Ex.PW-1/1, his CNIC as Ex.PW-1/2 and CNIC of the plaintiff as Ex.PW-1/3, while PW-2, Zafar Ullah, who is relative of plaintiff stated in his examination in chief that plaintiff is unmarried. PW-1 to PW-2 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 evidence produced by the plaintiff clearly establishing that plaintiff is **unmarried**. The incorporation of Mst Bibi as wife of the plaintiff in the record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

FARIS ANULLAH
Senior Civil Judge
Ordnance at Feroz Mela

15-10-2020

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:

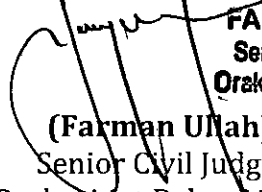
Consequently, suit of the plaintiff succeeds and is hereby decreed as prayed for. Defendants are directed to correct their

41

record by incorporating the plaintiff as unmarried. Parties are left to bear their own costs.

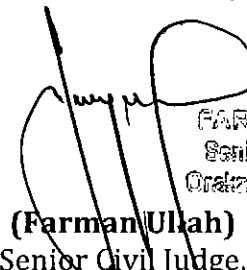
9. File be consigned to the record room after its completion and compilation.

Announced
15 /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 of **04** (four) pages, each page 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).