

36

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

Civil Suit No. 36/1 of 2023

Date of Original Institution: 15.05.2023

Date of Decision: 07.06.2023

Muhammad Iltaf S/O Ghalaf Deen, R/O Qoum Bezot,
Tappa Meer Kuli Khel, Satar Bezot, P/O Jalaka Mela
Tehsil Lower District Orakzai.

.....(Plaintiff)

VERSUS

1. Assistant Director, NADRA District Orakzai.
2. Chairman NADRA, Islamabad, Pakistan.

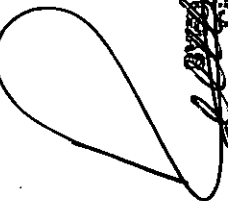
.....(Defendants)

**SUIT FOR DECLARATION -CUM- PERPETUAL AND
MANDATORY INJUNCTION**

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 **Ghalaf Deen** while defendants have wrongly entered the same as Arif Deen in their record, which entries is 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


Civil Judge/JJ-II
Tehsil Kalaya

76

their representative, who submitted authority letter and written statement.

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

Issues:

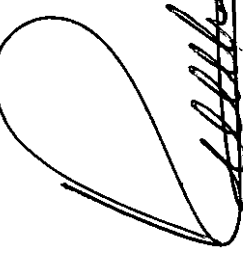
1. Whether plaintiff has got cause of action? OPP
2. Whether the correct father name is **Ghalaf Deen** while same has been incorrectly entered in the record of defendants as Arif Deen? OPP
3. Whether the plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

Issue wise findings of this court are as under: -

Issue No. 02:

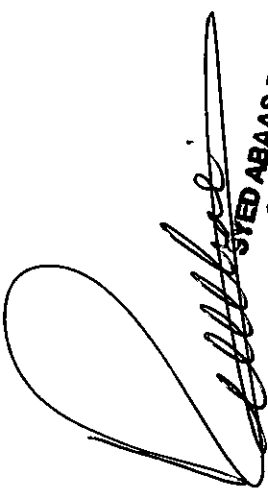
Whether the correct father name of plaintiff is Ghalaf Deen while same has been incorrectly entered in the record of defendants as Arif Deen? OPP

The plaintiff alleged in his plaint that the correct father name of plaintiff is **Ghalaf Deen**, however, defendants have entered the same as Arif Deen which is wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the


SYED AZAAN BUKHARI
07.06.2022
Civil Judge/Jr/Jr-I
Tehsil Courts Katiya

aforesaid correction but they refused, hence, the present suit;

The plaintiff produced witnesses in whom Muhammad Iltaf S/O Ghalaf Deen, plaintiff himself, appeared as PW-01. He produced the copy of his CNIC, which is Ex. PW-1/1. He stated that his father name is incorrectly entered in his CNIC as Arif Deen, instead of Ghalaf Deen. He stated that his father name is correctly mentioned in the CNIC of his father. His father CNIC is Ex. PW-1/2. He further stated that his father name in the CNIC of his brother namely Muhammad Ishaq is mentioned as Ghalaf Deen. His brother CNIC is Ex. PW-1/3. His step mother CNIC is Ex. PW-1/4. He lastly requested for decree of the suit. During cross examination nothing tangible has been extracted out of him.


SYED ABAAS BUKHARI
Civil Judge/JM-II
07.06.2018
Sindh Courts Kataya

Muhammad Khalid S/O Muhammad Yousaf, the cousin of the plaintiff is appeared as PW-02. He produced copy of his CNIC which is Ex. PW-2/1. He supported the stance of the plaintiff as narrated in the plaint. The witness has been cross examined but nothing tangible has been extracted out of him.

Muhammad Farooq S/O Shahidin, appeared and deposed as PW-03. He produced copy of his CNIC which is Ex. PW-3/1. He stated that correct father name of plaintiff is Ghalaf Deen and defendants have incorrectly entered the same as Arif Deen in the CNIC of plaintiff. He further stated that correct mother name of plaintiff is Bibi Saira and she has been died. He further alleged that father name of plaintiff in the CNICs of plaintiff's brother and mother have rightly mentioned as Ghalaf Deen. The witness has been cross examined but nothing tangible has been extracted out of him.

[Handwritten Signature]
 ABAS BUKHARI
 CIVIL JUDGE
 07-06-2023

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 of plaintiff which is Ex. DW-1/1 and according to that plaintiff was made his English CNIC and entered his father name is Arif Deen and mother name is Bibi Saira and despite no one was exist in the family tree of the plaintiff. During cross examination he stated that the non-availability of CNIC processing form, he does not know about the education of plaintiff that whether he is educated or illiterate. He further stated

that according to NADRA SOPs parentage can be changed on the biometric of sibling. He further admitted that the husband name of step mother of plaintiff is Ghalaf Deen.

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.

Syed Abbas Bukhari
SYED ABAS BUKHARI
Civil Judge/Jr. II
Tehsil Courts Kalya
17.06.2023

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.

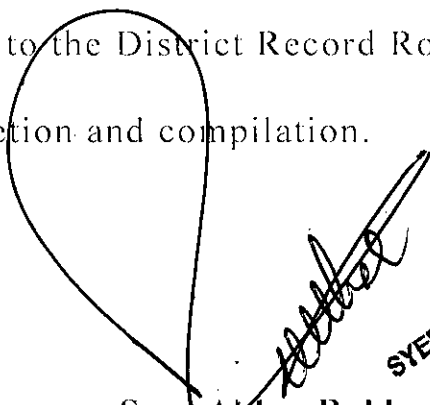
RELIEF:

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 **Ghalaf Deen** in their record. This decree shall not 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.

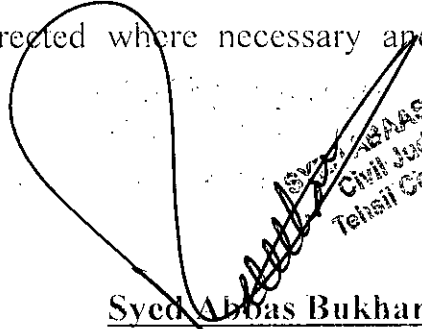
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07.06.2023


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

SYED ABAS BUKHARI
Civil Judge-II
Tehsil Court Kalaya

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

SYED ABAS BUKHARI
Civil Judge-II
Tehsil Court Kalaya