

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

Suit No.....24/1 of 2023.

Date of Institution.....23.05.2023.

Date of Decision.....05.06.2023.

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Amjid Khan S/O Khan Afzal R/O Qaum Utman Khel, Tappa Baranka
Khel, Tehsil Lower, District Orakzai.

.....(Plaintiff)

Versus

1. Chairman NADRA, Islamabad.
2. Director General NADRA, Khyber Pakhtunkhwa.
3. Assistant Director NADRA, District Orakzai.

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION**JUDGEMENT**

05.06.2023

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Amjid Khan against defendants Chairman NADRA, Islamabad and two others 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 **Khan Afzal** whereas defendants have incorrectly and wrongly entered the same as **Nazar Muhammad**. Plaintiff has further averred that his correct mother's name is Zalif Jan

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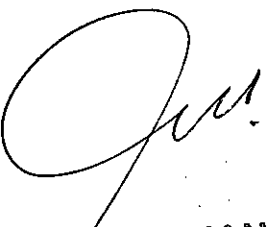
whereas defendants have incorrectly and wrongly entered the same as Speena Jan which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to do the needful but in vain, hence the present suit.

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 wherein, certain legal and factual objections have been raised.

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 suit of plaintiff is within time? OPP
3. Whether correct father's name of plaintiff is Khan Afzal instead of Nazar Muhammad while correct mother's name of plaintiff is Zalif Jan instead of Speena Jan? OPP
4. Whether plaintiff is entitled to the decree as prayed for? OPP
5. Relief.


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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.

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

Amjid Khan, plaintiff himself appeared and recorded his statement as PW-01. He reiterated the averments of plaint. Copy of his CNIC is Ex. PW-1/1. Copy of CNIC of father of plaintiff is Ex. PW-1/2. Copy of CNIC of mother of plaintiff is Ex. PW-1/3. Lastly, he requested for decree of suit in his favour against the defendants as prayed for.


Nazar Muhammad, cousin of plaintiff appeared and deposed as PW-02. He also supported plea of plaintiff. Copy of his CNIC is Ex. PW-2/1.

Khan Afzal, father of plaintiff appeared and deposed as PW-03. He also supported plea of plaintiff. Copy of his CNIC is Ex. PW-3/1.

Thereafter, evidence of plaintiffs was closed.

Nothing contradictory could be brought on record from the statement of PWs.

Representative of NADRA, Orakzai appeared as DW-01. He produced family tree, Data Processing Form and Form "B" which are Ex.


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DW-1/1 to Ex. DW-1/3 respectively. He stated that plaintiff has been issued CNIC as per information provided by him 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.

ISSUE NO.2

Plaintiff has been issued CNIC on 20.08.2019 with expiry date as 20.08.2029. Suit in hand was filed on 23.05.2023. As period of limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiff is held to be within time. Issue No. 2 decided in positive

ISSUE NO.3

Claim and contention of plaintiff is that correct father's name of plaintiff is Khan Afzal whereas defendants have incorrectly and wrongly entered the same as Nazar Muhammad. Plaintiff has further averred that his correct mother's name is Zalif Jan whereas defendants have incorrectly and wrongly entered the same as Speena Jan which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.



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Plaintiff produced cogent, convincing and reliable documentary evidence in support of his claim. Oral evidence is also supportive to the averments of plaintiff.

Keeping in view the above discussion, documentary as well as oral evidence available on file, it is held that plaintiff is the son of Khan Afzal and Zalif Jan. Hence, issue No. 3 decided in favour of plaintiff and against the defendants.

ISSUE NO.1 & 4.

In the light of foregoing discussion, plaintiff has proved his 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.

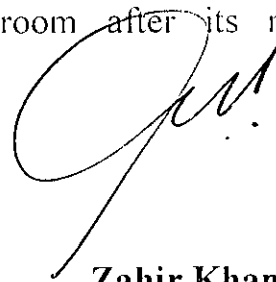
RELIEF:

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

05.06.2023



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CERTIFICATE

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.



Zahir Khan
Civil Judge-I, Kalaya, Orakzai