

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

Civil Suit No. 38/1 of 2023  
Date of Original Institution: 23.05.2023  
Date of Decision: 20.06.2023

**Sajid Khan S/O Qasim Khan, R/O Qaum Utman Khel,  
Tappa Barnka Khel, Tehsil Lower, District Orakzai.**

..... (Plaintiff)

**VERSUS**

- 1. **Chairman, NADRA, Islamabad.**
- 2. **Assistant Director, NADRA District Orakzai.**
- 3. **Director General NADRA, KPK, Peshawar.**

.....(Defendants)

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

**JUDGMENT**

SYED ABBAS BUKHARI  
Civil Judge-II  
Tehsil Courts Kalaya

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 **Qasim Khan**, correct mother name of plaintiff is **Awal Bibi** and correct date of birth is **01.01.1983** while defendants have wrongly entered the father name of plaintiff as Lal Meen Khan, mother name as Wall Bibi and date of birth as 1981 in their record, 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 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 their representative, who submitted authority letter and written statement.

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

**Issues:**

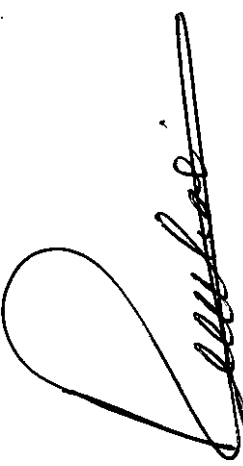
1. Whether plaintiff has got cause of action? OPP
2. Whether the correct father name and mother name of plaintiff is **Qasim Khan** and **Awal Bibi** respectively while his correct date of birth is **01.01.1983**? OPP
3. Whether the plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

Issue wise findings of this court are as under: -

**Issue No. 02:**

**Whether the correct father name and mother name of plaintiff is Qasim Khan and Awal Bibi respectively while his correct date of birth is 01.01.1983? OPP**

The plaintiff alleged in his plaint that the correct father name and mother name of plaintiff is **Qasim Khan** and **Awal Bibi** respectively and correct date of birth of plaintiff is **01.01.1983**, however, defendants have entered the father and mother names of plaintiff



**SYED ABAS BUKHARI**  
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as Lal Meen Khan and Wall Bibi and date of birth 1981 which are wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

The plaintiff produced witnesses in whom Mr. Sajid Khan S/O Qasim Khan, the plaintiff himself, appeared as PW-01. He stated that his correct father and mother names are **Qasim Khan** and **Awal Bibi** while defendants have incorrectly entered the same as Lal Meen Khan and Wall Bibi respectively in their record. He further stated that his correct date of birth is **01.01.1983** while defendants incorrectly entered the same as 1981 in his CNIC. He further stated that there exist an unnatural gap of 15 years between his age and the age of his father, which is impossible and against the order of nature. He further stated that in his mother and brother's CNICs, his father name has been correctly mentioned as Qasim Khan, which further support his stance. He produced copies of his CNIC, father CNIC, mother CNIC and brother CNIC which are Ex. PW-1/1 to Ex. PW-1/4 respectively. He further produced the copy of his brother's CNIC

  
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 2011 Judge/JM-1  
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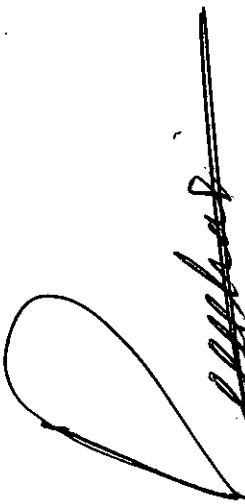
namely Gul Asghar, wherein the father name is correctly mentioned as Qasim Khan.

During cross examination he stated that he did not know one Lal Meen Khan and although he know his family.

Muhammad Ishaq S/O Qasim, the brother of the plaintiff is appeared as PW-02. He supported the stance of the plaintiff as narrated in the plaint. His CNIC is Ex. PW-2/1. During cross examination he stated that we are three brothers and the plaintiff is elder amongst all the brothers. He further stated that he do not know the one Lal Meen Khan.

Misal Khan S/O Yameen Khan, appeared and deposed as PW-03. He supported the stance of the plaintiff as narrated in the plaint. During cross examination nothing tangible has been extracted out of him.

In order to counter the claim of the plaintiff, the defendants produced only one witness, the representative of the defendants, who appeared as DW-01. He produced the family tree of the plaintiff which is Ex. DW-1/1 and according to that the father name of plaintiff is Lal Meen Khan and mother name is Wall Bibi, to this document, plaintiff obtained his

  
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first CNIC on 30.11.2022. He lastly requested for dismissal of the suit.

During cross examination he stated that according to NADRA SOPs there must be a difference of 17 to 18 years between a father and son and further stated that according to NADRA SOP parentage can be changed on the biometric of siblings.

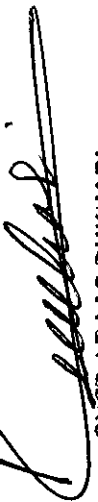
In light of above discussion as plaintiff succeeded to prove his stance by producing cogent, documentary, oral and reliable witnesses, which fully supported the claim of the plaintiff. Thus, the plaintiff established his claim through cogent and reliable evidence, therefore, the issue is decided in positive.

**Issue No. 01 & 03:**

**Whether the plaintiff has got cause of action? OPP  
Whether the plaintiff is entitled to the decree as payed for? OPP**

Both these issues are interlinked, hence, taken together for discussion.

As sequel to my findings on issue No. 02, 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.

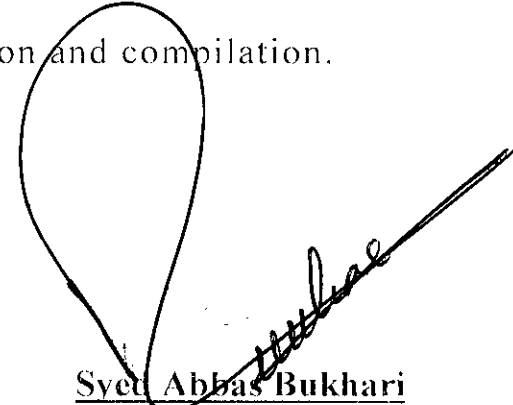
  
SYED ABBAS ZUHARI  
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**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **decreed** as prayed for. No order as to costs. This decree shall not effect the right of other person(s) or service record if any.

File be consigned to the District Record Room, Orakzai after its completion and compilation.

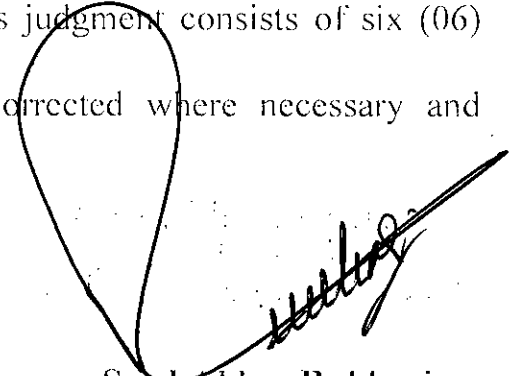
**Announced**  
**20.06.2023**



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

**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