

**IN THE COURT OF ZAHIR KHAN**

Civil Judge-I, Kalaya, Orakzai

Suit No.....35/1 of 2023.

Date of Institution.....17.07.2023.

Date of Decision.....15.08.2023.

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Mst. Bibi Zamrart Janan W/O Muhammad Hassanain R/O Qaum  
Saidan, Tappa Kalaya, Tehsil Lower, District Orakzai.

.....(Plaintiff)

**Versus**

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

..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION****JUDGEMENT**

15.08.2023

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Mst. Bibi Zamrart Janan against the 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 **Saidan Jan Mian** whereas defendants have incorrectly and wrongly entered the same as **Amsar Khan** in their record which entry is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were



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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.

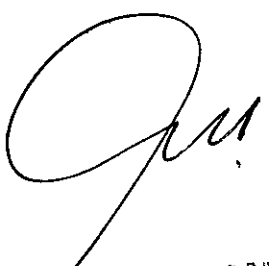
From divergent pleadings of the parties, the following issues were framed for adjudication of real controversy between the parties. The controversial pleadings of the parties were reduced into the following issues:

**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 Saidan Jan Mian instead of Amsar Khan? OPP
4. Whether plaintiff is entitled to the decree as prayed for? OPP
5. Relief.

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.



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Plaintiff produced two witnesses in support of her claim while defendants produced one witness in defense.

Syed Khalid Syed special attorney of plaintiff appeared and recorded his statement as PW-01. He reiterated the averments of plaintiff. Special power of attorney is Ex.PW-1/1. Copy of his CNIC is Ex. PW-1/2. Copy of CNIC of plaintiff is Ex.PW-1/3. Copy of CNIC of father of plaintiff is Ex. PW-1/4. Copy of CNIC of mother of plaintiff is Ex. PW-1/5. Lastly, he requested for decree of suit in favour of plaintiff against the defendants as prayed for.

Syed Aslam Jan Mian (brother of plaintiff), appeared and deposed as PW-02. He stated that correct father's name of plaintiff is Saidan Jan Mian but defendants have incorrectly entered the same as Amsar Khan. Copy of his CNIC is Ex. PW-2/1.

Thereafter, evidence of plaintiff was closed.

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

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced Family Tree of plaintiff and her brother which are Ex. DW-1/1 to Ex.DW-1/2. He stated that as per family tree, father name of the plaintiff is Amsar Khan, mother's name of plaintiff is Gulab Nisa. That plaintiff has been issued CNIC as per information provided by her and that she has got no cause of action to file the instant suit and lastly requested for dismissal of suit.

Thereafter, evidence of defendants was closed.

  
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The above discussion boils down to my following issue-wise findings.

**ISSUE NO.2**

Plaintiff has been issued CNIC on 20.06.2019 with expiry date as lifetime. Suit in hand was filed on 17.07.2023. 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 **Saidan Jan Mian** whereas defendants have incorrectly and wrongly entered the same as **Amsar Khan** in their record which entry is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. Plaintiff produced cogent, convincing and reliable documentary evidence in support of her claim. Oral evidence is also supportive to the plea of plaintiff.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, it is held that correct father's name of plaintiff is Saidan Jan Mian. Resultantly, issue No. 3 is decided in positive and in favour of plaintiff.

**ISSUE NO.1 & 4.**

In the light of foregoing discussion, plaintiff has proved her stance through cogent, convincing and reliable documentary and oral

  
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evidence, therefore, she 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 plaintiff produced cogent, convincing and reliable evidence, therefore, suit of plaintiff is hereby decreed in her 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**

15.08.2023



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**CERTIFICATE**

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



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