

136

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

Civil Suit No. 346/1 of 2020  
Date of Institution: 19/10/2020  
Date of Decision: 30/01/2021

**Ashora Jan w/o Muhammad Ghulam**

Section Behram Zai, Sub Section Mastan Ali Nawasi, PO Kalaya, Tehsil Lower &  
District Orakzai..... (Plaintiff)

VERSUS

1. **Assistant Director, NADRA Orakzai**
2. **Assistant Director, NADRA Islamabad.**

(Defendants)

**SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION**

**JUDGEMENT:**

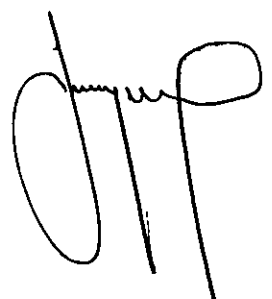
30.01.2021

Brief facts of case in hand are that the plaintiff, **Ashora Jan w/o Muhammad Ghulam**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that her parents correct names are "**Ali Nisa (Mother)**" and "**Imran Ali**" (Father) while defendants have wrongly mentioned the same as "**Gul Meenji**" and "**Niaz Ali**" in their record, which are incorrect and liable to be corrected.

Hence, the present suit.

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

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

  
30-1.2021  
FARMANULLAH  
Senior Civil Judge  
Orakzai at Baber Mela

Issues:

1. Whether plaintiff has got cause of action?
2. Whether suit of the plaintiff is within time?
3. Whether the correct parents' names of the plaintiff are "Ali Nisa" and "Imran Ali" while defendants have wrongly mentioned the same as "Gul Meenji" and "Niaz Ali" in their record?
4. Whether plaintiff is entitled to the decree as prayed for?
5. Relief.
6. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiff produced her witnesses as PW-1 to PW-3.
7. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record of plaintiff and exhibited the same as Ex. DW-1/1 to Ex. DW-1/2.


After conclusion of the evidence arguments pro and contra heard. Case file is gone through.

My issues wise findings are as under:

Issue No.02:

Perusal of record reveals that CNIC was issued to the plaintiff on 14.01.2009 while plaintiff filed instant suit on 19.10.2020 by challenging her parents' names mentioned in record of NADRA.

Record shows that name of husband of plaintiff has been recorded in her CNIC. However, in other record of NADRA, which is in possession of NADRA, the parent's names of plaintiff have been recorded as Niaz Ali and Gul Meenji and as

  
 30-1-2021  
 FARMANULLAH  
 Senior Civil Judge  
 Orakzai at Baber Mela

per record plaintiff came to know about such entry after death of <sup>her</sup> mother. The death certificate of mother of plaintiff is available on file and as per which she died on 15.10.2015. So, the cause of action accrued to the plaintiff for first <sup>time</sup> on 15.10.2015 and lastly when defendants refused to correct the parents names of plaintiff in their record. Hence, the suit of plaintiff is within time.

Issue is decided in positive.

**Issue No.03:**

Plaintiff contended in her plaint that her parents correct names are "Ali Nisa" and "Imran Ali" but inadvertently the same are recorded as "Gul Meenji" and "Niaz Ali". Hence, the record is liable to be corrected.

Plaintiff in support of her contention appeared as PW-3 and repeated the contents of the plaint in her examination in chief. She also produced her mother's CNIC as Ex.PW-3/2 and pension book consisting 07 pages as Ex.PW-3/3 and stated before the court that her parent correct names are "Ali Nisa" and "Imran Ali" but in NADRA record the same are wrongly recorded as Gul Meenji and Niaz Ali. PW-1, Tajdar Ali, who is son of the plaintiff stated in his examination in chief that currently he is residing with his mother, that her mother's parents' correct names are "Ali Nisa" and "Imran Ali". He produced and exhibited his CNIC as Ex.PW-1/1. PW-2, Shamim Ali, who is cousin of the plaintiff, supported the contention of the plaintiff. PW-1 to PW-3 were subjected to

30-1-2021  
FARMANULLAH  
Senior Civil Judge  
Orakzai at Babar Mela

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 oral and documentary evidence produced by the plaintiff clearly establishing that correct names of the parents of the plaintiff are "Ali Nisa" and "Imran Ali" while the names mentioned "Gul Meenji" and "Niaz Ali" as parents of the plaintiff in record of NADRA appears to be a mistake. Hence, the issue No. 3 is decided in positive.

**Issue No. 01 & 04:**

These issues are taken together. For what has been held in issue No.3, this court is of the opinion that plaintiff has got cause of action and she 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 record by incorporating the parents names of plaintiff as "Ali Nisa" and "Imran Ali" in their record. Parties are left to bear their own costs.

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

**Announced**  
30/01/2021



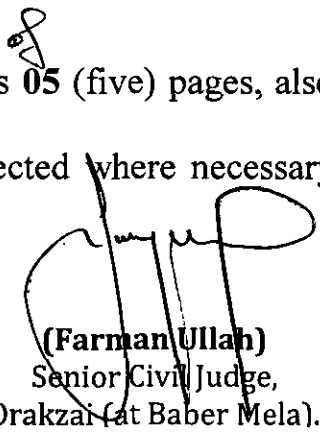
(Farman Ullah)  
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**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela

40

**CERTIFICATE**

Certified that this judgment of mine consists <sup>of</sup> 05 (five) pages, also including this page, each has been checked, corrected where necessary and signed by me.

  
(Farman Ullah)  
Senior Civil Judge,  
Orakzai (at Baber Mela).

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Senior Civil Judge  
Orakzai at Baber Mela