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

Civil Suit No. 250/1 of 2020
Date of Institution: 22/01/2020
Date of Decision: 08/02/2021

Hazmeena w/o Aman Ullah

Resident of Drangay Section Shekhan, Sub Section Bazid Khel, PO Mishti Mela,
Tehsil Central & District Orakzai..... (Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Director General, NADRA Hayat Abad Peshawar.**
3. **Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

JUDGEMENT:

08.02.2021

Brief facts of case in hand are that the plaintiff, **Hazmeena w/o Aman Ullah**, has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that her husband's correct name is "**Aman Ullah**" while defendants have wrongly mentioned the same as "**Afzal Khan**" in their record, which is incorrect and liable to be corrected as Afzal Khan is her father-in-law. That defendants were repeatedly asked to correct the name of her husband in her CNIC and in their record but they refused.

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.

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Senior Civil Judge
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Divergent pleadings of the parties were reduced into the following issues;

Issues:

1. Whether plaintiff has got cause of action?
2. Whether the correct name of husband of the plaintiff is "**Aman Ullah**" while defendants have wrongly mentioned the same as "**Afzal Khan**" in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.

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-2.

In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the record as Ex. DW-1/1 to Ex. DW-1/3.

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:

Plaintiff contended in her plaint that her husband's correct name is "**Aman Ullah**" but the same was wrongly recorded as "**Afzal Khan**" in NADRA record. Hence, the record is liable to be corrected.

Enzar Gul, father of the plaintiff appeared as PW-1. He stated in his examination in chief that correct name of husband of the plaintiff is "**Aman Ullah**" while it has been recorded as "**Afzal Khan**" in her CNIC. That "**Afzal Khan**" is the father-

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in-law of the plaintiff. PW-2, Hamim Ullah Khan, attorney for the plaintiff repeated the contents of the plaint in his examination in chief and he also produced plaintiff's husband CNIC as Ex.PW-2/3, CNIC of father-in-law of the plaintiff as Ex.PW-2/4 and plaintiff's CNIC as Ex.PW-2/5. PW-1 to PW-2 were subjected to 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. The CNIC of Aman Ullah produced ^{by} PW-2 as Ex.PW-2/3 depicts his father name as Afzal Khan. PW-1 and PW-2 have categorically stated that Aman Ullah is the husband of plaintiff while Afzal Khan is her father in law. So, the oral and documentary evidence produced by the PW-2 establishes that correct name of the husband of the plaintiff is "Aman Ullah" while the name mentioned "Afzal Khan" as husband of the plaintiff in NADRA record is incorrect as he is the father in law of the plaintiff. So, the incorporation of husband's name of the plaintiff as "Afzal Khan" instead of "Aman Ullah" in the record of NADRA appears to be a mistake. Hence, the issue No. 2 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 he is entitled to the decree as prayed for.

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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 husband's name of plaintiff as "Aman Ullah" in their record. Parties are left to bear their own costs.

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

Announced
08/02/2021

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

CERTIFICATE

Certified that this judgment of mine consists 04 (four) pages, each has been checked, corrected where necessary and signed by me.

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