

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

Civil Suit No. 49/1 of 2023
Date of Original Institution: 10.07.2023
Date of Decision: 24.07.2023

Inayat Ullah S/O Azmat Ullah, R/O Qoum Mishti, Tappa Darvi Khel, Tagha Saam, Tehsil Central District Orakzai.

.....(Plaintiff)

VERSUS

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

.....(Defendants)

SUIT FOR DECLARATION -CUM- PERPETUAL AND MANDATORY INJUNCTION

JUDGMENT

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 **Azmat Ullah**, correct date of birth is **01.01.1998** and correct mother name is **Rakheela Jan** while defendants have wrongly entered the father name as Gul Hassan, date of birth as 01.01.1994 and mother name as Raila Bibi 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 father name, date of birth and mother name of plaintiff but they refused, hence, the present suit.

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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 of the plaintiff is **Azmat Ullah**, correct date of birth **01.01.1998** and correct mother name is **Rakheela Jan**? 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 of the plaintiff is Azmat Ullah, correct date of birth 01.01.1998 and correct mother name is Rakheela Jan? OPP

The plaintiff alleged in his plaint that correct father name is **Azmat Ullah**, correct date of birth is **01.01.1998** and correct mother name is **Rakheela Jan** while defendants have wrongly entered the father name as Gul Hassan, date of birth as 01.01.1994 and mother name as Raila Bibi in their record, which are wrong, ineffective upon the rights of the plaintiff and liable to correction.

The plaintiff produced witnesses in whom Inayat Ullah, plaintiff himself, appeared as PW-01.

He stated that his correct father name is Azmat Ullah S/O Abul Hassan and correct mother name is Rakheela Jan while defendants have incorrectly entered the father name as Gul Hassan and mother name as Raila Bibi in their record. He further stated that his father name has been mentioned correctly in the CNIC of his brother namely Shakir Ullah. He again stated that his correct date of birth is 01.01.1998 while defendants have incorrectly entered as 01.01.1994 in his CNIC, wherein there is exist 14 years unnatural gap between the ages of plaintiff and his father, which is against order of nature. He produced copies of his CNIC and his father CNIC which are Ex. PW-1/1 & Ex. PW-1/2 respectively. During cross examination he stated that he is illiterate and he does not know the one Gul Hassan. He further stated that his father was retired from FC.

Shakir Ullah S/O Azmat Ullah, the real brother of the plaintiff is appeared as PW-02. He stated that plaintiff is his real brother and he is elder than me 10 months. He further supported the stance of the plaintiff as narrated in the plaint. He produced copies of his CNIC and his father's Pension Book which are Ex. PW-2/1 & Ex. PW-2/2 respectively.

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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-1. He produced the family tree of plaintiff which is Ex. DW-1/1 and according to that the father name of plaintiff is Gul Hassan and mother name is Raila Bibi. During cross examination he stated that there exist an unnatural gap between the ages of plaintiff and his father. He admitted that the father name of plaintiff is clearly mentioned in the Pension Book of his father. He again stated that he has got no objection if the case is decreed in the favor of plaintiff. It is correct that according to NADRA SOPs it is possible to change name of parentages.

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:

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

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

As sequel to my findings on issue No. 2, 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.

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 rights of other person(s) or service record if any.

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

Announced
 24.07.2023

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

CERTIFICATE

Certified that this judgment consists of five (05) pages, each has been checked, corrected where necessary and signed by me.

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