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

Civil Suit No. 04/1 of 2021
Date of Institution: 13/01/2021
Date of Decision: 30/06/2021

- 1. Qasim Khan s/o Syed Kamal**
- 2. Sultan Bibi w/o Qasim Khan**

Resident of Mamo Zai Tapa Adu Khel, Nasir Namasi, Dapar, PO Ghiljo, Tehsil
Upper & District Orakzai..... (Plaintiff)

VERSUS

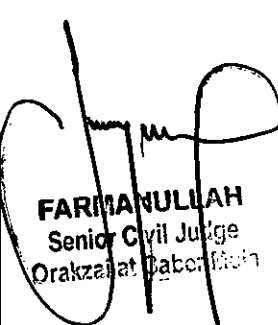
- 1. Chairman, NADRA, Islamabad.**
- 2. Registrar, General NADRA Islamabad.**
- 3. Assistant Director, Registration NADRA District Orakzai.**

(Defendants)

SUIT FOR DECLARATION, PERMANENT & MANDATORY INJUNCTION

JUDGEMENT:

Brief facts of case in hand are that the plaintiffs, **Qasim Khan s/o Syed Kamal** and **Sultan Bibi w/o Qasim Khan** have brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that correct parents names of plaintiff No. 1 is Syed Kamal (Father) and Sawab Jan Bibi (mother) and similarly, the correct parents' names of plaintiff No. 2 is Zarmat Khan (Father) and Khapir Jan (mother) while defendants have wrongly mentioned the parents name of plaintiff No. 1 as Zarmat Khan (Father) and Khapir Jan (Mother) and for plaintiff No. 2 as Syed Kamal (Father) and Sawab Jan (Mother) in their record. That plaintiff No. 1 and plaintiff No. 2 are husband and wife. That Syed Kamal and Sawab Jan are parents of plaintiff No. 1 but it has been wrongly mentioned as parents of plaintiff No. 2 in NADRA record while Zarmat Khan and Khapir Jan


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are parents of plaintiff No. 2 but their names have wrongly been mentioned as parents of plaintiff No. 1. Similarly, the correct address of plaintiffs is "Qoam Mamo Zai, Tapa Adu Khel, PO Ghiljo, Mamo Zai Kaly, Tehsil Upper District Orakzai" while it has been wrongly entered as "Qoam Khadi Zai, Tapa Noshehar Namasi, Khadi Zai, PO Ghiljo, Tehsil Upper District Orakzai" by defendants in their record, which is incorrect and liable to be corrected. That defendants were repeatedly asked to correct parent's names of plaintiffs as well as their address 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.

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

Issues:

1. Whether plaintiffs have got cause of action?
2. Whether the correct names of the parents of the plaintiff No. 1 are **Syed Kamal** (father) and **Sawab Jan Bibi** (mother) while it has been wrongly entered as **Zarmat Khan** (father) and **Khampir Jan** (mother) in their record by the defendants?
3. Whether the correct names of the parents of the plaintiff No. 2 are **Zarmat Khan** (father) and **Khampir Jan** (mother) while it has been wrongly entered as **Syed Kamal** (father) and **Sawab Jan Bibi** (mother) in their record by the defendants?
4. Whether the correct address of plaintiffs is "Qoam Mamo Zai, Tapa Adu Khel, PO Ghiljo, Mamo Zai Kaly, Tehsil Upper District Orakzai" while it

has been wrongly entered as "Qoam Khadi Zai, Tapa Noshehar Namasi, Khadi Zai, PO Ghiljo, Tehsil Upper District Orakzai"

5. Whether plaintiff is entitled to the decree as prayed for?
6. Relief.
7. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiffs produced their witnesses as PW-1 to PW-3.
8. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the CNIC processing forms of plaintiff No. 1 and plaintiff No. 2 and exhibited the same as Ex. DW-1/1 and Ex. DW-1/2. He also produced the family tree of the plaintiffs as Ex. DW-1/3.
9. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
10. My issues wise findings are as under:

Issue No.02, 03 & 04:

All the three issues are interlinked and interconnected, hence to avoid the repetition of facts the same are taken together for discussion. Plaintiffs contended in their plaint that names of the parents of the plaintiff No. 1 are Syed Kamal (father) and Sawab Jan Bibi (mother) as well as the correct names of the parents of the plaintiff No. 2 are **Zarmat Khan** (father) and **Khampir Jan** (mother) and similarly, the correct address of plaintiffs is "Qoam Mamo Zai, Tapa Adu Khel, PO Ghiljo, Mamo Zai Kaly, Tehsil Upper District Orakzai". That inadvertently the names of the parents of the plaintiff No. 1 were recorded as Zarmat

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Khan (father) and Khapir Jan (mother) and the names of the parents of the plaintiff No.2 were recorded as **Syed Kamal** (father) and **Sawab Jan Bibi** (mother) while the address of the plaintiffs was wrongly entered as "Qoam Khadi Zai, Tapa Noshehar Namasi, Khadi Zai, PO Ghiljo, Tehsil Upper District Orakzai in their record by the defendants.

Plaintiffs in support of their contention produced their attorney Akhtar Gul as PW-1. He repeated the contents of plaint in his examination in chief. He produced his power of attorney as Ex.PW-1/2, CNIC of plaintiff No.1 as Ex.PW-1/3, CNIC of mother of plaintiff No.1 as Ex.PW-1/4, CNIC of brother of plaintiff No.2 as Ex.PW-1/5. CNIC of plaintiff No. 2 as Ex.PW-1/6, CNIC of brother of the plaintiff No. 2 namely Almar Khan as Ex.PW-1/7, CNIC of elder brother of plaintiff No.2 as Ex.PW-1/8 and CNIC of Zarmir Khan as Ex.PW-1/9. PW-2, who is real uncle of plaintiff No.1 stated in his examination in chief that the correct parents names of the plaintiff No.1 are **Syed Kamal** (father) and **Sawab Jan Bibi** (mother) and the correct parents' names of the plaintiff No.2 are **Zarmat Khan** (father) and **Khapir Jan** (mother) and similarly the correct address of plaintiff No.1 and 2 is "Qoam Mamo Zai, Tapa Adu Khel, PO Ghiljo, Mamo Zai Kaly, Tehsil Upper District Orakzai". PW-3, who is the cousin of plaintiff No.1 also repeated the same facts as uttered by PW-01 and PW-02. PW-1 to PW-3 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

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by them in their examination in chief. So, the oral and documentary evidence produced by the plaintiffs clearly establishing that the correct names of the parents of the plaintiff No.1 is Syed Kamal (father) and Sawab Jan (mother) and the correct names of parents of plaintiff No.2 is Zarmat Khan (father) and Khapir Jan (mother). Similarly, record reflects that the correct address of the plaintiffs is "Qoam Mamo Zai, Tapa Adu Khel, PO Ghiljo, Mamo Zai Kaly, Tehsil Upper District Orakzai". So, the incorporation of names of the parents of plaintiff No.1 as **Zarmat Khan (father)** and **Khapir Jan (mother)**, and Syed **Kamal** (father) and **Sawab Jan Bibi** (mother) of plaintiff No.2 and similarly the address of both the plaintiffs as "Qoam Khadi Zai, Tapa Noshehar Namasi, Khadi Zai, PO Ghiljo, Tehsil Upper District Orakzai" in the record of NADRA appears to be a mistake. Hence, the issue No. 02, 03 & 04 are decided in positive.

Issue No. 01 & 05:

These issues are taken together. For what has been held in issue No. 2, 3, 4 this court is of the opinion that plaintiffs have got cause of action and they are also entitled to the decree as prayed for.

The issues are decided in positive.

Relief:

Consequently, suit of the plaintiffs succeeds and is hereby decreed as prayed for. Defendants are directed to correct the names

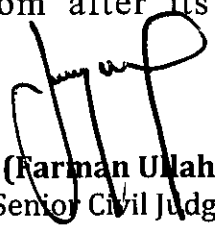
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of the parents and address of plaintiffs in their record. Parties are left to bear their own costs.

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

Announced
30/06/2021

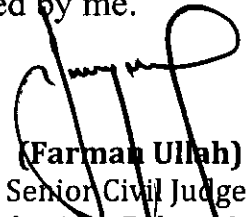
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(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).

CERTIFICATE

Certified that this judgment of mine consists ^{of} 06 (Six) 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).