

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

Civil Suit No. 25/1 of 2021  
Date of Institution: 13/03/2021  
Date of Decision: 26/07/2021

1. **Abdul Ghani s/o Hakeem Badshah**
2. **Meer Muhammad s/o Hakeem Badshah**  
R/o Qoam Momo Zai PO Ghiljo, Tehsil Upper & District Orakzai  
(Plaintiffs)

VERSUS

1. **Registrar, General NADRA Islamabad.**
2. **Registrar, General NADRA Peshawar.**
3. **Assistant Director, Registration NADRA District Orakzai.**  
(Defendants)

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

**JUDGEMENT:**

26.07.2021

Brief facts of case in hand are that the plaintiffs, **Abdul Ghani** and **Meer Muhammad Ss/o Hakeem Badshah**, have brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration, therein, that their parents correct names are "**Hakeem Badshah** (father)" and "**Hajmona**" (mother) while defendants have wrongly mentioned the same as "**Gul Ameen Khan**" and "**Sadiqa Bibi**" in their record, which are incorrect and liable to be corrected. That defendants were repeatedly asked to correct names of the parents of the plaintiffs but they refused. Hence, the present suit.

**FARMAN ULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela  
26.7.21

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

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

**Issues:**

1. Whether plaintiff has got cause of action?
2. Whether the correct parents names of the plaintiff are "**Hakeem Badshah**" and "**Hajmona**" while defendants have wrongly mentioned the same as "**Gul Ameen Khan**" and "**Sadiqa Bibi**" in their record?
3. Whether plaintiff is entitled to the decree as prayed for?
4. Relief.
5. Parties were provided opportunity to produce evidence in support of their respective contention, which they did. Plaintiffs produced thier witnesses as PW-1 to PW-3.
6. In rebuttal defendants produced their sole witness namely Syed Farhat Abbas, representative, as DW-1. He produced the CNIC processing form, Form A, Decision of District Level Committee (DLC) and family tree of plaintiffs and exhibited the same as Ex. DW-1/1 to Ex. DW-1/4.
7. After conclusion of the evidence arguments pro and contra heard. Case file is gone through.
8. My issues wise findings are as under:

**Issue No.02:**

Plaintiffs contended in their plaint that their parents correct names are “**Hakeem Badshah**” and “**Hajmona**” but inadvertently the same are recorded as “**Gul Ameen Khan**” and “**Sadiqa Bibi**”. Hence, the record is liable to be corrected.

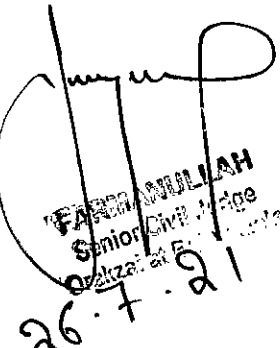
Plaintiff No.1 in support of their contention appeared as PW-1 and repeated the contents of the plaint in his examination in chief. He also produced his CNIC as Ex.PW-1/1, death certificate of his father as Ex.PW-1/2 and domicile certificate of plaintiff No. 2 and his own as Ex.PW-1/3 and Ex.PW-1/4. PW-01 also stated that Gul Ameen Khan and Sadiqa Bibi are their relatives and not their parents. PW-2, Hajmona, stated in her examination in chief that she is the mother of the plaintiffs and the correct name of the parents of the plaintiffs are Hakeem Badshah and Hajmona but the same have been wrongly mentioned as Gul Amin Khan and Sadiqa Bibi in NADRA Record. She produced and exhibited her CNIC and domicile as Ex.PW-2/1 and Ex.PW-2/2. PW-03 is the statement of Akhtar Gul, who stated in his examination in chief that he is the relative of the plaintiff and the correct names of parents of the plaintiffs are Hakeem Badshah and Hajmona but it has been wrongly mentioned in NADRA record as Gul Amin Khan and Sadiqa Bibi. PW-1 to PW-3 were subjected to cross

FARUKA KULLI  
Senior Civil Judge  
Orakzai at Baber Mela

26.7.21

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. Even DW-01 also stated in his examination in chief that CNICs of plaintiffs were digitally impounded as plaintiffs have incorporated the names of their relatives in column of their parents instead of their real parents. He also stated that District Level Committee cleared the plaintiffs after verification and directed the NADRA to correct the parent's names of the plaintiffs. He produced decision/minutes of meeting of DLC as Ex.PW-1/3, the perusal of which reflects that plaintiffs have been held Pakistani nationals with directions to approach NADRA for correction of their record. However, till date no correction regarding the parents names of the plaintiffs has been made by NADRA. So, the oral and documentary evidence produced by the plaintiff clearly establishing that correct names of the parents of the plaintiffs are "**Hakeem Badshah**" and "**Hajmona**" while the names mentioned "**Gul Ameen Khan**" and "**Sadiqa Bibi**" as parents of the plaintiffs in record of NADRA appears to be a mistake. Hence, the issue No. 2 is decided in positive.

**Issue No. 01 & 03:**

  
FAHEEM MULLAH  
Senior Civil Judge  
District Court  
26-7-21

These issues are taken together. For what has been held in issue No.2, 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 parent's names of plaintiffs as "**Hakeem Badshah**" and "**Hajmona**" in their record. Parties are left to bear their own costs.

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

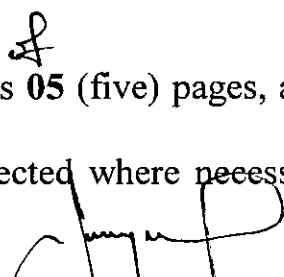
**Announced**

26/07/2021

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

**CERTIFICATE**

Certified that this judgment of mine consists **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).  
FARMANULLAH  
Senior Civil Judge  
Orakzai at Baber Mela