

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

Civil Suit No. 66/1 of 2023
Date of Original Institution: 18.09.2023
Date of Decision: 19.10.2023

Mst. Izzat Meena D/O Nawab Khan, R/O Qoum Ali
Khel, Tappa Shawas Khel, Tehsil Upper, District
Orakzai.

.....(Plaintiff)

VERSUS

1. **Chairman, NADRA, Islamabad.**
2. **Assistant Director, NADRA District Orakzai.**
3. **Kohat Board, District Kohat.**

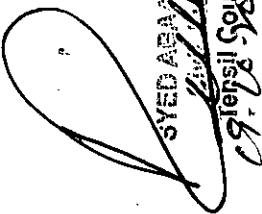
.....(Defendants)

**SUIT FOR DECLARATION -CUM- PERPETUAL AND
MANDATORY INJUNCTION**

JUDGMENT

Brief facts in the backdrop are that attorney for the plaintiff brought the instant suit for declaration cum-permanent injunction to the effect that correct parents names of plaintiff is **Nawab Khan** and **Lalaka** respectively while defendants have wrongly entered the same as **Wali Khan** and **Shaika** 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 parent names of plaintiff but they refused, hence, the present suit.

With due process of law and procedure, the defendants were summoned, who appeared through their


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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 parent name of the plaintiff are **Nawab Khan** and **Lalaka** while it has been incorrectly entered as Wali Khan and Shaika in their record CNIC? 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 parent name of the plaintiff are **Nawab Khan** and **Lalaka** while it has been incorrectly entered as **Wali Khan** and **Shaika** in their record CNIC? OPP

The plaintiff alleged in her plaint that the correct parent names of plaintiff is **Nawab Khan** and **Lalaka** respectively, however, defendants have entered the same as Wali Khan and Shaika which are wrong, ineffective upon the rights of the plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

The plaintiff produced witnesses in whom Muhammad Younas S/O Nawab Khan, the brother/attorney for the

Handwritten signature and stamp of a civil judge. The stamp reads: SYED... CIVIL JUDGE/JMI-II, Tq: Sialkot, Dist: Sialkot.

plaintiff, appeared as PW-01. He produced his special power of attorney, his CNIC and CNIC of plaintiff which are Ex. PW-1/1, Ex. PW-1/2 & Ex. PW-1/3 respectively. He stated that his correct father name is Nawab Khan and correct mother name is Lalaka. He further stated that plaintiff's correct mother name of plaintiff is Lalaka and correct father name is Nawab Khan, according to death certificates of parents of the plaintiff which are Ex. PW-1/4 & Ex. PW-1/5. He lastly requested for decree of the suit. During cross examination he stated that his two brother has been died and plaintiff is his sister and she is alive.

PW-02 was produced and examined as one Mawez Khan S/O Salih Khan, who supported stance of the plaintiff as narrated in the plaint. The witness has been cross examined but nothing tangible has been extracted out of him.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants who appeared as DW-01. He produced family tree of plaintiff which is Ex. DW-1/1 and according to which plaintiff's father name is Wali Khan and mother name is Shaika. During cross he admitted that according to Ex. PW-1/4 and Ex. PW-1/5 the father name of plaintiff is Nawab Khan and

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mother name is Lalaka. Thereafter closed their evidence with a note.

In light of above discussion as plaintiff succeeded to prove his stance by producing documentary, cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party. Accordingly, the issue in hand is hereby decided in positive.

Issue No. 01 & 03:

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

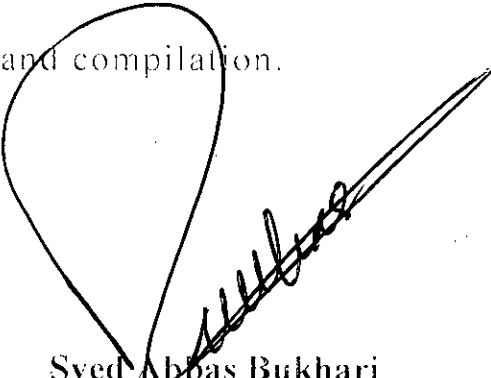
As sequel to my findings on issue No. 02 the plaintiff has got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

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.

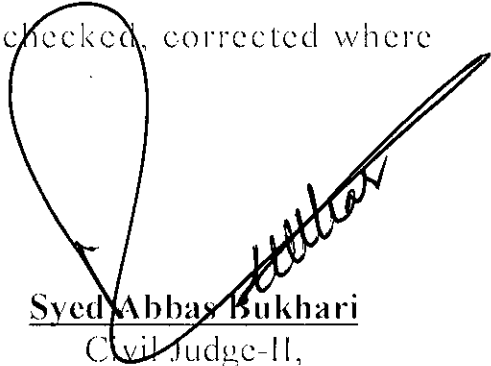
File be consigned to the District Record Room, Orakzai after its completion and compilation.

Announced
19.10.2023


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