

**IN THE COURT OF BAKHT ZADA,**  
**SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No.	20/1 of 2023
Date of Institution:	22.09.2023
Date of Decision:	26.10.2023

1. Waris Khan,
  2. Faheem Khan both sons of Allah Khan,
  3. Mst. Noreen Bibi D/O Allah Khan,
  4. Said Bibi W/O Allah Khan all R/O Qaum Ali Khel, Tappa Jasrat Khel, Tehsil Upper, District Orakzai
- (Plaintiffs)

**VERSUS**

1. Chairman NADRA, Islamabad.
2. Assistant Director NADRA, Orakzai.

(Defendants)

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

**JUDGEMENT:**

26.10.2023

1. Plaintiffs Waris Khan and 02 others have brought the instant suit against defendants Chairman NADRA, Islamabad and 01 other for declaration-cum-perpetual and mandatory injunction to the effect that correct father name of plaintiff No. 1 & 2 is Allah Khan, but the same has been wrongly entered in their record with the defendants as Raheem Khan. It is alleged that the father name of the plaintiffs is correctly entered in the CNIC of their elder brother namely Fazal Khan and the same is also entered correctly in the domicile certificates of the plaintiff No. 1 & 2. They prayed for correction in their record with the defendants. The defendants were asked time and again

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to do the needful but they refused to do so, hence, the present suit;

2. Later on, during the pendency of the suit, an application for impleadment of Mst. Said Bibi as plaintiff was also submitted wherein she prayed that being mother of the plaintiffs and wife of Allah Khan, the name of her husband is also wrongly entered in her CNIC as Alaa Khan which needs rectification. The said application for impleadment was accepted after conceding by the representative for the defendants by writing no objection at the margin of the said application.

3. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing authority letter and their written statement.

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

**Issues:**

1. *Whether the plaintiffs have got cause of action?*
2. *Whether the suit of the plaintiffs is within time?*
3. *Whether the correct name of the father of the plaintiffs is Allah Khan and the defendants have wrongly entered the same as Raheem Khan?*
4. *Whether plaintiffs are entitled to the decree as prayed for?*
5. *Relief?*

Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;

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5. **PW-01:** Waris Khan plaintiff No. 1 himself and special attorney appeared as PW-01 and stated that his correct father name is Allah Khan which has been correctly mentioned in the record of his another brother namely Fazal Khan and he repeated the contents of his plaint.

1. Ex. PW-1/1 to Ex. PW-1/10: NADRA documents

6. **PW-02,** is the statement of the Shama Dar. He is the relative of the plaintiffs. He supported the stance of the plaintiffs. His CNIC is Ex.PW-2/1.

7. **PW-03,** Muhammad Dawood S/O Muhammad Akbar, another relative of the plaintiffs further supported the stance of the plaintiffs and requested for decree of the suit in favour of plaintiffs. Copy of his CNIC is Ex.PW-3/1.

8. On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01. He produced family trees which are Ex. DW-1/1 and Ex. DW-1/2. He requested for dismissal of the suit.

After closing of evidence of the parties, arguments of the learned counsel for the parties were heard and available record perused.

My Issue wise findings are as under: -

**Issue No. 02:**

The perusal of record shows that CNICs of the plaintiffs were blocked/digitally impounded by the defendants on the ground of registration in other family and the status of the plaintiffs was cleared in the minutes of the meeting held on 22.03.2023, the minutes of which are already exhibited as Ex.

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PW-1/10. The instant suit has been filed after the clearance of their status on 01.04.2023 which is well within time. Issue No. 02 is decided in positive.

**Issue No. 03:**

Plaintiffs have alleged in their plaint that correct name of their father is Allah Khan, while the same has been wrongly entered as Raheem Khan in their record with the defendants. Similarly, plaintiff No. 4 being newly impleaded plaintiff also sought correction in her CNIC to the effect that being mother of the plaintiffs, her husband name is wrongly entered as Alaa Khan in her record with the defendants instead of Allah Khan. She also prayed for rectification of the same. Defendants in their written statement have alleged that processing of CNIC of plaintiff No. 1 & 2 has been blocked by them by impounding the same digitally on the ground of suspect national status.

During the course of evidence, plaintiff No. 1 recorded his statement as PW-01. He placed on file his power of attorney as Ex. PW-1/1. He produced CNIC and Passport of their elder brother namely Fazal Khan which are Ex. PW-1/2 & Ex. PW-1/3 respectively and their father name is correctly mentioned in the same as Allah Khan. It is further stated that Raheem Khan is the uncle of the plaintiffs. He exhibited the CNICs of the plaintiffs as Ex. PW-1/4 & Ex. PW-1/5. Their copies of domiciles are Ex. PW-1/6 & Ex. PW-1/7. Copy of CNIC of the

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mother of the plaintiffs is Ex. PW-1/8 and copy of CNIC of plaintiff No. 3 is Ex. PW-1/9. It is also stated categorically that the inquiry has been completed and filed. The report of which is Ex. PW-1/10 consisted of 03 pages.

PW-02, Shamadar S/O Haji Ahmad Gul stated that he is real maternal uncle of the plaintiffs and his CNIC is Ex. PW-2/1. He affirmed that father name of plaintiffs is Allah Khan and plaintiff Mst. Said Bibi is his sister and widow of Allah Khan. The statement of Muhammad Dawood, PW-03 is also of paramount importance on the ground that he is cousin of the plaintiffs No. 1 to 3. He also affirmed that father name of the plaintiffs is Allah Khan. On the other hand, neither during cross-examination nor during his statement as DW-01, the defendants could shatter the affirmations made by the PWs. The domicile certificates of the plaintiffs is also a documentary evidence in favour of the stance of the plaintiffs, which has remained un-shattered during cross-examination.

The documents produced by PW-01, Waris Khan carries weight on one hand and the oral statement of Shamadar, being maternal uncle of the plaintiffs carries weight on the other hand as the same remained unrebutted. The inquiry report Ex. PW-1/10 also supports the stance of the plaintiffs, therefore, the correct name of the father of the plaintiffs No. 1 to 3 is Allah Khan instead of Raheem Khan. Similarly, newly impleaded plaintiff No. 4 being mother of the plaintiffs No. 1 to 3 is also

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entitled for correction of the name of her husband in her CNIC as Allah Khan instead of Alaa Khan. Issue is decided in favour of plaintiffs accordingly.

**Issue No. 01 & 04:**

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

As sequel to my findings on issue No. 03, the plaintiffs have proved through cogent evidence that correct father name of plaintiffs is Allah Khan instead of Raheem Khan and husband name of plaintiff No. 4 is Allah Khan instead of Alaa Khan. Issue No. 01 & 04 are decided in positive.

**RELIEF:**

As sequel to my above issue-wise findings, the plaintiffs proved their case through cogent evidence, therefore suit of the plaintiffs is hereby decreed as prayed for with no order as to cost.

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

**Announced**  
26.10.2023

*Bakht Zada*  
26.10.23  
(Bakht Zada)  
Senior Civil Judge,  
Orakzai (at Baber Mela)

**CERTIFICATE**

Certified that this judgment of mine consists of seven (07) pages, each has been checked, corrected where necessary and signed by me.

*Bakht Zada*  
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**(Bakht Zada)**  
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