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

Civil Suit No: 34/1 of 2023  
Date of Institution: 05.09.2023  
Date of Decision: 08.12.2023

**Mst. Tajmira W/O Makhmali Khan, R/O Qoum Akhel, Tappa Sarki Khel, Tehsil Ismail Zai, District Orakzai.**

*(Plaintiff)*

**VERSUS**

- 1. Chairman NADRA, Islamabad.**
- 2. Director General NADRA, Peshawar.**
- 3. Assistant Director NADRA, Orakzai through Representative.**

*(Defendants)*

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

**JUDGEMENT:**

08.12.2023

1. Plaintiff Mst. Tajmira w/o Makhmali Khan has brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that her correct name is Mst. Tajmira, but the same has been wrongly entered in her record with the defendants as Nazia Bibi. She alleged that the defendants were asked time and again for correction of her name, but they refused to do so, hence, the present suit;

*Javed*  
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2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing their written statement.

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

**Issues:**

1. *Whether the plaintiff has got cause of action?*
2. *Whether the suit of plaintiff is within time?*
3. *Whether the correct name of the plaintiff is Tajmira and the defendants have wrongly entered the same as Nizia Bibi in her record?*
4. *Whether plaintiff is 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;

**PW-01:** Mujeeb-Ur-Rehman s/o Akbar Jan appeared as PW-01 and stated that plaintiff is his sister. She got married to Makhmal Khan who is presently residing at Qatar. That she is called with the name of Tajmira in her home as well as in the village and the said name was entered in her first CNIC. Later on, in her record with the defendant the name of the plaintiff was entered as Mst. Nazia Bibi instead of Mst. Tajmira which has now caused hurdles to her husband in his foreign documentation. His CNIC is Ex.PW-1/1.

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**PW-02**, is the statement of Dilawar Khan s/o Arbab Khan who stated that he is the brother-in-law of the plaintiff and further supported the stance of the plaintiff. His CNIC is Ex.PW-2/1 and affidavit is Ex.PW-2/1.

**PW-03**: Azmat Ullah s/o Dilawar Khan who is the special attorney of the plaintiff, appeared as PW-03 and who also repeated the contents of the plaint. He stated in his cross-examination that the plaintiff changed her name in her CNIC as Nazia Bibi. That the plaintiff has not made any passport and there is no movable property in the name of the plaintiff and exhibited his CNIC and Special Power of attorney as Ex.PW-3/1 and Ex.PW-3/2 respectively. He also stated that name of the plaintiff as Tajmira is also entered in the foreign documents of her husband, who is residing at Qatar in connection with his livelihood.

Counsel for the plaintiff submitted an application under order 41 Rule 27, for producing additional evidence which was allowed on ground of no objection by representative of defendants and following additional evidence was produced;

**APW-01**: **Mst. Meema W/O Akbar Jan**, who is the mother of the plaintiff, appeared as APW-01 and stated that the plaintiff was named by her as Tajmira and she used to call her the same since childhood. Her CNIC is Ex.APW-1/1.

**APW-02**: **Tajmira W/O Makhmal Khan**, the plaintiff herself,

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appeared as APW-02 and supported the contents of her plaint during her examination in chief. She was cross examined by the representative of defendants.

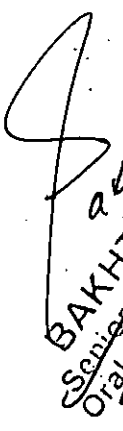
On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01, wherein he has alleged that he has brought Processing Form and affidavit submitted by the plaintiff which are Ex.DW-1/1 and Ex.DW-1/2, according to which the plaintiff has changed her name from Tajmira to Nazia Bibi on 11.12.2020.

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:**

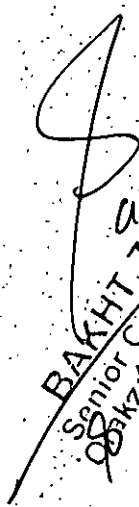
The plaintiff produced her CNIC, available on the case file in which the date of issuance is mentioned as 01.01.2021, while the instant suit has been instituted on 05.09.2023 after about 02 years and 09 months of the issuance of CNIC while limitation provided under the law provided for filing declaratory suit is 06 years, therefore, the instant suit is within time. The issue is decided in positive.

  
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**Issue No: 03:**

The plaintiff alleged that her correct name is Tajmira, but the same has been wrongly entered in her record with the defendants as Mst. Nazia Bibi. During the course of evidence, statement of Mujeeb-Ur-Rehman, brother of the plaintiff recorded as PW-01 wherein, he stated that the correct name of the plaintiff is Tajmira instead of Nazia Bibi. Mst. Meema, mother of the plaintiff appeared as APW-01 who also supported the stance of the plaintiff. Dilawar Khan, brother-in-law of the plaintiff appeared as PW-02 who supported the stance of the plaintiff by narrating the same story as in the plaint. Tajmira, the plaintiff herself appeared as APW-02, who affirmed that previously her name was changed from Tajmira to Nazia Bibi in her record with the defendants on the desire of her husband, but now he is facing troubles and complications in visa processing abroad due to stated change of name in her record. The plaintiff has produced most authentic evidence in shape of statement of her mother as APW-01 which cannot be denied through ordinary evidence. Furthermore, nothing has been concealed and it is also brought on record by the PWs that husband of the plaintiff is abroad and he is facing hardships in his visa processing for Qatar. From the evidence produced by

  
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the plaintiff, it can be safely held that if required correction in record of the plaintiff with the defendants is made, it will not suffer the rights of any third person. Nothing malafide against the plaintiff is brought on record by the defendants during the course of evidence. Furthermore, such correction can be under the law/SOPs after getting biometrics of the other family members of the plaintiff for authentication, therefore, the original correct name of the plaintiff is Mst. Tajmira. The issue is decided in positive.

**Issue No. 01 & 04:**

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

As sequel to my findings on issue No. 03, the plaintiff has proved her case through cogent evidence that her correct name is Mst. Tajmira instead of Mst. Nazia Bibi. Issue No. 01 & 04 are decided in positive.

**RELIEF:**

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

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

Announced  
08.12.2023

*Bakht Zada*  
8.12.23  
(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*  
8.12.23  
(Bakht Zada)  
Senior Civil Judge,  
Orakzai at (Baber Mela)