

IN THE COURT OF ZAHIR KHAN,
Civil Judge, Tehsil Kalaya, Orakzai.

Suit No.....112/1 of 2021
Date of Institution..... 08.06.2021
Date of decision.....21.06.2022
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1. Imran Khan
2. Muhammad Saeed both sons of Ghulam Sadeeq R/O Qoum Sheikhan,
Tappa Samozai, Dran Koza Mela, Tehsil Central, District Orakzai
..... (Plaintiffs)

Versus

1. Chairman NADRA, Islamabad
2. Director General NADRA, KPK, Peshawar
3. Assistant Director, NADRA, District Orakzai
..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Ex-parte Order
21.06.2022

Plaintiffs through counsel present. Defendants have already been placed ex-parte. Ex-parte arguments already heard and record perused.

Brief facts in the backdrop are that plaintiffs have filed the instant suit against the defendants for declaration and permanent injunction to the effect that correct name of their mother is **Khalida Bibi** but defendants have wrongly and incorrectly entered name of mother of plaintiffs as **BiBi Hawa** in their record which entries are wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified. Plaintiffs have further averred that due to this wrong

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entry, there is unnatural age gap of about 10 and 13 years between plaintiffs and **Bibi Hawa**, who is not their real mother rather she is step mother of plaintiffs. That defendants were asked time and again to rectify mother's name of plaintiffs as **Khalida Bibi** instead of **Bibi Hawa** but in vain hence, the present suit.

With due process of law and procedure, defendants were summoned, they appeared through representative. Authority letter and written statement was filed, but later on, representative of defendants remained absent, therefore, placed and proceeded against ex-parte.

After submission of list of witnesses, plaintiffs were allowed to produce their ex-parte evidence. Plaintiffs produced four witnesses in support of their claim. Thereafter, ex-parte evidence of plaintiffs was closed.

Plaintiff No. 1 namely Imran Khan himself appeared and deposed as PW-01. He reiterated the averments of plaint. He produced death certificate of Khalida Bibi as Ex. PW-1/1, copy of his CNIC is Ex-PW 1/2, copy of CNIC of his father is Ex. PW-1/3, copy of CNIC of Bibi Hawa is Ex. PW-1/4.

Muhammad Ayub, uncle of plaintiffs, deposed as PW-02. Copy of his CNIC is Ex. PW-2/1. Hasham Khan, another uncle of plaintiffs was examined as PW-03. Copy of his CNIC is Ex. PW-3/1. They fully supported the claim of plaintiffs.


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Plaintiff No. 2 namely Muhammad Saeed deposed as PW-04. He also reiterated the averments of plaint. Copy of his CNIC is Ex. PW-4/1. Thereafter, ex-parte evidence was closed.

Claim and contention of plaintiffs is that correct name of their mother is Khalida Bibi but defendants have incorrectly entered name of their mother in their official record as Bibi Hawa which is wrong, illegal and in effective upon the rights of plaintiffs and liable to be rectified.

There is nothing in rebuttal due to ex-parte while plaintiffs produced cogent, convincing and reliable documentary as well as oral evidence in support of their claim.

As there is nothing in rebuttal due to ex-parte and plaintiffs produced reliable evidence, therefore, suit of plaintiffs is hereby ex-parte decreed as prayed for. No order as to cost. This decree shall not affect the rights of others, interested if any. This decree shall not affect service record of plaintiff, if any.

File be consigned to record room after necessary completion and compilation.

Announced
21.06.2022.



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