

(62)

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

Civil Suit No. 64/1 of 2021  
Date of Institution: 30/10/2021  
Date of Decision: 13/04/2022

---

1. **Izat Khan**
2. **Abdul Qadir**
3. **Muhammad Zaleeb**
4. **Abdul Aziz**  
**Sons of Meen Haider**
5. **Multana**
6. **Yasmin Bibi**
7. **Totia Gula**
8. **Khyal War Jan**
9. **Bibi Maliya Meena**  
**Daughters of Meen Haider**
10. **Sultan Begum w/o Meen Haider**

*(Plaintiffs)*

**VERSUS**

1. **Chairman NADRA, Islamabad, Pakistan.**
2. **Director General NADRA, KPK, Peshawar.**
3. **Assistant Director, NADRA, District Orakzai.**

*(Defendants)*

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

**JUDGEMENT:**

1. Plaintiffs Izat Khan and others have brought the instant suit for declaration-cum-perpetual and mandatory injunction against the defendants to the effect that the correct name of the father of the plaintiffs no. 01 to 09 and the husband of the plaintiff no. 10 is Meen Haider while it has been wrongly mentioned as Yar Akbar in the column of father of some of the

63

plaintiffs and Gul Haider in the record of the rest of the plaintiffs, which is wrong and ineffective upon the rights of the plaintiffs and is liable to correction. That the defendants were asked time and again for correction of father's name of the plaintiffs but they refused to do so, hence the present suit;

2. Defendants were summoned, who appeared before the court through their representative namely Syed Farhat Abbas and contested the suit by filing their written statement but later on, remained absent, hence, placed and proceeded ex-parte.

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

**Issues:**

1. *Whether the plaintiffs have got cause of action?*
2. *Whether the correct name of the father of the plaintiffs no. 01 to 05 and husband of plaintiff no. 06 is Meen Haider while it has been wrongly mentioned by the defendants as Yar Akbar in their record?*
3. *Whether the correct name of the father of the plaintiffs no. 07 to 10 is Meen Haider while defendants have wrongly entered as Meer Haider in their record?*
4. *Whether the correct name of the mother of the plaintiffs no. 01 to 05 is Sultan Begum and of the plaintiffs no. 07 to 10 is Kimya Gulla?*
5. *Whether plaintiffs are entitled to the decree as prayed for?*
6. *Relief?*

Parties were given an opportunity to produce evidence, in which, the plaintiffs produced their witnesses while the defendants remained absent

at the time of the production of their evidence, hence, they were placed and proceeded ex-parte.

Issue wise findings of this court are as under: -

**Issue No. 02 & 03:**

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

The plaintiffs alleged in their plaint the correct name of the father of the plaintiffs no. 01 to 09 and the husband of the plaintiff no. 10 is Meen Haider while it has been wrongly mentioned as Yar Akbar in the column of father of some of the plaintiffs and Gul Haider in the record of the rest of the plaintiffs, which is wrong and ineffective upon the rights of the plaintiffs and is liable to correction. That the defendants were asked time and again for correction of father's name of the plaintiffs but they refused to do so, hence the present suit;

Plaintiffs in support of their contention, produced witnesses in whom plaintiff No. 01 appeared as PW-01 and stated that he is the special attorney for plaintiffs no. 02 to 10 and produced his special power of attorney which is Ex.PW-1/1. Further that the correct name of his father is Meen Haider and he got 02 marriages. That the name of first wife of his father is Kimya Gulla and she has a son namely Abdul Aziz and 03 daughters namely Mst. Totia Gula, Mst. Khyal War Jan and

(bs)


Mst. Bibi Maliya Meena while the second wife of his father namely Sultan Begum is his real mother who has 03 sons and 02 daughters namely Izat Khan, Abdul Qadir, Muhammad Zaleeb, Multana and Yasmin Bibi. That the defendants have wrongly mentioned the name of his paternal cousin namely Yar Akbar as the father of the plaintiffs no. 01 to 05 and the husband of plaintiff no. 06. The father's name of the plaintiffs no. 07 namely Abdul Aziz is wrongly mentioned as Gul Haider in the record of the defendants who is actually the paternal uncle of plaintiff no. 07 and exhibited his CNIC as Ex.PW-1/2. Further, Yar Akbar appeared as PW-02 who also supported the stance of the plaintiffs by narrating the same story as narrated by the PW-01 and exhibited his CNIC as Ex.PW-2/1. Further, Khyal Haider appeared as PW-03 who also supported the stance of the plaintiffs and exhibited his CNIC as Ex.PW-3/1.

Ex-Parte arguments heard and record perused.

After hearing of ex-parte arguments and perusal of record, I am of the opinion that the plaintiffs established their claim through oral evidence and as the defendants are ex-parte, therefore, both these issues are decided in positive.

**Issue No. 04:**

This issue has neither been pressed nor proved by the plaintiffs, hence, left redundant and disposed off accordingly.



**Issue No. 01 & 05:**

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

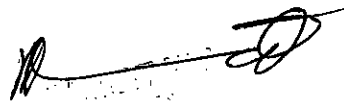
As sequel to my findings on issue No. 2, the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Both these issues are decided in positive.

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiffs is hereby ex-parte decreed as prayed for with no order as to costs.


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

**Announced**  
13/04/2022

  
(Rehmat Ullah Wazir)  
Senior Civil Judge,  
Orakzai (at Baber Mela)

**CERTIFICATE**

Certified that this judgment of mine consists of Five (05) pages, each has been checked, corrected where necessary and signed by me.

  
(Rehmat Ullah Wazir)  
Senior Civil Judge,  
Orakzai (at Baber Mela)