

**IN THE COURT OF SHABEER AHMAD,**  
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 110/1 of 2022  
Date of Original Institution: 01.08.2022  
Date of Decision: 22.09.2022

**Masli Khan son of Meeram Jan**, resident of Qaum Mishti, Tapa Darwi Khel, Shalzara, Tehsil Lower, District: Orakzai, presently Tarkho Saam, Orakzai.

.....(Plaintiff)

**VERSUS**

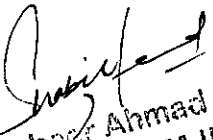
1. **Chairman, NADRA, Islamabad.**
2. **Director, General NADRA KPK Peshawar.**
3. **Assistant Director, NADRA District Orakzai.**

.....(Defendants)

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

**JUDGMENT**

1. Brief facts of the case in hand are that the plaintiff **Masli Khan** has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct father name of the plaintiff is **Meeram Jan** and correct address is **Qaum Mishti, Tapa Darwi Khel, Shalzara, Tehsil Central District Orakzai** while father name has been wrongly entered as **Nazeer Shah** and address as **Qaum Stori Khel, Tapa Mala Khel, Tarkho Saam, PO Tazi Khel, Tehsil Lower District Orakzai** in the record of the defendants, which are wrong, ineffective upon the rights of the plaintiff

  
Shabeer Ahmad  
Civil Judge-II  
Orakzai at (Kalaya)

and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendants were summoned, they appeared through their representative and submitted authority letter and written statement.
3. Divergent pleadings of the parties were reduced into the following issues;

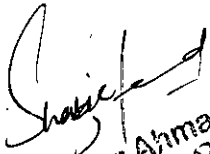
**Issues:**

1. Whether the plaintiff has got cause of action?
2. Whether the plaintiff is estopped to sue?
3. Whether the suit of the plaintiff is within time?
4. Whether the correct father name of the plaintiff is **Meeram Jan** and correct address is **Qaum Mishti, Tapa Darwi Khel, Shalzara, Tehsil Central District Orakzai**, where defendants have entered the father name of the plaintiff is Nazeer Shah and address as Qaum Stori Khel, Tapa Malla Khel, Tarkho Saam, PO Tazi Khel, Tehsil Lower District Orakzai in his CNIC?
5. Whether the plaintiff is entitled to the decree as prayed for?
6. Relief?

Issue wise findings of this court are as under: -

**Issue No. 02:**

The defendants in their written statement raised the objection that the plaintiff is estopped to sue but later on failed to prove the same, hence, the issue is decided in negative.

  
Shabbeer Ahmad  
Civil Judge, Orakzai  
22/07/2024  
Orakzai (Kalaya)

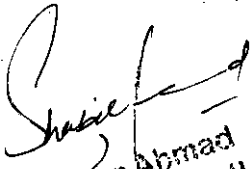
**Issue No. 03:**

The defendants in their written statements raised their objection that suit of the plaintiff is time barred but I am the opinion that as per Article 120 of the Limitation Act, 1908 there is a period of 06 years for the institution of such like suits but the aforesaid Limitation Act, 1908 is extended to the erstwhile FATA on 31/05/2018 through the 25th constitutional amendment and the same has become operational from the aforesaid date while the instant suit has been filed on 01.08.2022. Thus, the same is well within time. The issue is decided in positive.

**Issue No. 04:**

The plaintiff alleged in his plaint that the correct father name is **Meeram Jan** and correct address is **Qaum Mishti, Tapa Darwi Khel, Shalzara, Tehsil Central District Orakzai**, whereas, defendants have wrongly entered the same as Nazeer Shah and Qaum Stori Khel, Tapa Malla Khel, Tarkho Saam, PO Tazi Khel, Tehsil Lower, District Orakzai.

The plaintiff produced witnesses in whom Mr. Masli Khan, the plaintiff himself, appeared as PW-01, who produced his CNIC and his brother CNIC which are exhibited as Ex. PW-1/1 and Ex. PW-1/2 respectively.

  
Shabeer Ahmad  
C. No. 1507/2022  
Orakzai (Kalaya)

He stated that his correct father name is **Meeram Jan** and correct address is **Qaum Mishti, Tapa Darwi Khel, Shalzara, Tehsil Central District Orakzai**. Further stated that he has only one brother namely Payo Khan and his mother name is Bibi Noora. He lastly prayed for the decree of the suit. During cross examination he stated that the one Nazeer Shah belongs to Qaum Stori Khel and wrongly entered as his father. The one Haji Muhammad went with him to NADRA Office for Form verification and Haji Muhammad has no relationship with Nazeer Shah.

Mr. Muhammad Ghani son of Nazeer Shah, appeared as PW-02. He produced his CNIC which is exhibited as Ex. PW-2/1 and further stated that the plaintiff has no relationship with his family although he is ~~his~~ maternal uncle. During cross examination he stated that he is the real son of one Nazeer Shah (currently entered father name of the plaintiff). That plaintiff is his maternal uncle and correct father name of the plaintiff is **Meeram Jan**.

Mr. Payo Khan son Meeram Jan, the real brother of the plaintiff ~~is~~ appeared as PW-03. He stated that plaintiff is his real brother and their father correct name is **Meeram Jan** and he has a brother and two sisters. My CNIC already exhibited as Ex. PW-1/2. During

*Shabeer Ahmad*  
Shabeer Ahmad  
Civ. No. 22/09/2022  
Orakzai (Kalaya)

cross examination nothing tangible has been extracted out of him.

In order to counter the claim of the plaintiff, the defendants produced only one witness, the representative of the defendants who appeared as DW-1. But during cross examination, he admitted that if the father name of the plaintiff is corrected the defendants will have no objection over that.

Arguments heard and record perused.

After hearing of arguments and perusal of record I am of the opinion that the plaintiff has produced reliable witnesses and as the representative of the defendants stated if the plaintiff want to correct his father name, he can change the same according to our SOP. Thus, the plaintiff established his claim, therefore, the issue is decided in positive.

**Issue No. 01 & 02:**

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

As sequel to my findings on issue No. 4, 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.

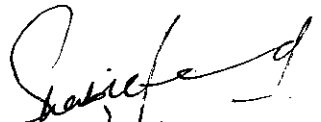
*Shabeer Ahmad*  
Shabeer Ahmad  
Civ 22/109/2011-II  
Orakzai at (Kalaya)

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiff is hereby decreed as prayed for. Defendants are directed to correct the father name of the plaintiff as **Meeram Jan** and correct address as **Qaum Mishti, Tapa Darwi Khel, Shalzara, Tehsil Central District Orakzai.**


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

**Announced**  
**22.09.2022**

  
**Shabeer Ahmad**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai

**CERTIFICATE**

Certified that this judgment consists of six (06) pages, each has been checked, corrected where necessary and signed by me.

  
**Shabeer Ahmad**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai