

**IN THE COURT OF ZAHIR KHAN**  
Civil Judge-I, Kalaya, Orakzai

Suit No.....80/1 of 2022.

Date of Institution.....01.08.2022.

Date of Decision.....14.09.2022.

=====

Muhammad Yasir S/O Sher Ali R/O Qaum Mani Khel, Tappa Bada  
Khel, Kalaya, Tehsil Lower, District Orakzai.

.....(Plaintiff)

**Versus**

1. Chairman NADRA, Islamabad.
2. Director General NADRA, Khyber Pakhtunkhwa, Hayatabad.
3. Assistant Director NADRA, District Orakzai.

..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT JUNCTION**

**JUDGEMENT**

14.09.2022

Plaintiff present through clerk of counsel. Representative of  
defendants absent. Arguments already heard and record perused.

Through this judgement, I am going to dispose of the instant  
suit filed by plaintiff namely Muhammad Yasir against defendants  
Chairman NADRA, Islamabad etc for declaration and permanent  
injunction.

Brief facts in the backdrop are that plaintiff has filed the

instant suit for declaration cum-permanent injunction to the effect that  
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Naqbeela Jan. That Naqbeela Jan is the real mother of plaintiff while Sheenaka was his step mother who died issueless on 23.04.2022. That defendants were approached time and again to issue Death and Cancelation Certificate of deceased Sheenaka but in vain, hence the present suit.

After institution of the suit, defendants were summoned, who marked their attendance through representative and contested the suit by filing authority letter and written statement.


From divergent pleadings of the parties, the following issues were framed for adjudication of real controversy between the parties.

### ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether CNIC/record of deceased Sheenaka is liable to be canceled by issuing Death Certificate? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

Upon submission of list of witnesses, both the parties on being provided with an opportunity to adduce their desired evidence, the parties produced their respective evidence.

After the completion of evidence, arguments of the learned counsel for the parties were heard and record of the case file was gone through with their valuable assistance.



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Burden of proof was on plaintiff to establish his claim.

Plaintiff produced two witnesses in support of his claim.

Plaintiff himself appeared and recorded his statement as PW-01. He reiterated the averments of plaint. Copy of his CNIC is Ex. PW-1/1. Copy of CNIC of his real mother Naqbeela Jan is Ex. PW-1/2. FRC is Ex. PW-1/3. Death Certificate issued by Union Council of his step mother namely Sheenaka exhibited as Ex-PW 1/4. He lastly requested for decree of suit.

Azar Ali, brother of deceased Sheenaka, appeared and deposed as PW-02. He supported claim of plaintiff. Photocopy of his CNIC is Ex-PW 2/1.

Thereafter, evidence of plaintiff was closed.

Nothing contradictory could be brought on record from PWs.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. His authority letter is Ex. DW-1/1. He stated that as per SOPs of NADRA, Death Certificate and Cancellation Certificate could only be issued on information of a blood relative of deceased person. He lastly requested for dismissal of suit.

Evidence of defendants was closed.


The above discussion boils down to my following issue-wise

  
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**ISSUE NO.02:**

Claim of plaintiff is that father of plaintiff had two wives namely Sheenaka (deceased) and Naqbeela Jan. That Naqbeela Jan is the real mother of plaintiff while Sheenaka was his step mother who died issueless on 23.04.2022. Plaintiff has also sought for issuance of Death Certificate of deceased Sheenaka. Plaintiff produced reliable documentary evidence in shape of Death Certificate of deceased Sheenaka issued by Union Council which is Ex. PW-1/1 in support of his claim and contention. FRC is Ex. PW-1/3. Oral evidence produced by plaintiff is also supportive to the averments of plaint. DW-01 in his cross examination stated that per NADRA SOPs, Death Certificate and Cancellation Certificate of a deceased person is issued on the information of blood relative. PW-02 is the brother of deceased Sheenaka. He fully supported the stance of plaintiff. Per law, defendants are bound to issue Death Certificate/Cancellation Certificate of a deceased person subject to rules/SOPs.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, it is held that deceased Sheenaka was step mother of plaintiff who died issueless and defendants are bound to issue death Certificate/Cancellation Certificate of deceased Sheenaka subject to rules/SOPs. Issue decided in favor of plaintiff and against the defendants.



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**ISSUES NO.1 & 4.**

In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and reliable documentary and oral evidence, therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

**RELIEF:**

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in his favor against the defendants as prayed for. No order as to cost. This decree shall not affect the rights of other persons interested, if any. Furthermore, all rules, regulations and SOPs shall be observed before issuance of death Certificate/Cancelation Certificate of deceased Sheenaka.

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

**ANNOUNCED**  
14.09.2022



**Zahir Khan**  
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**CERTIFICATE**

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



**Zahir Khan**  
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