

64

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

Suit No.....78/1 of 2022.

Date of Institution.....01.08.2022.

Date of Decision.....14.09.2022.

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Tila Khan S/O Said Wazir, R/O Qoum Stori Khel, Tappa Mala Khel,
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 &
CANCELATION OF ONE OF THE CNICs.**

JUDGEMENT

14.09.2022

Plaintiff present. Representative of defendants absent.

Arguments already heard.

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

Brief facts in the backdrop are that plaintiff has filed the

ZKH
14/09/2022

ZAHIR KHAN instant suit for declaration cum-permanent injunction and cancelation of
Civil Judge-IM
Kalaya Orakzai

63

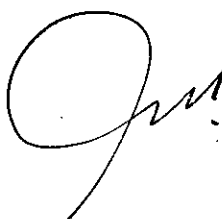
one of the CNICs to the effect that as per Service Record, true and correct date of birth of plaintiff is **09.08.1964** and his correct father's name is Said Wazir but defendants have incorrectly entered date of birth of plaintiff as 1966 and his father's name as Akhtar Shah which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. Plaintiff has also sought cancelation of one of the CNICs No. 21201-6682314-9 and wants to retain CNIC No. 21603-9463608-3. That defendants were asked time and again to rectify date of birth and father's name of plaintiff and cancel CNIC bearing No. 21201-6682314-9 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. The controversial pleadings of the parties were reduced into the following issues:

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct date of birth of plaintiff is 09.08.1964 instead of 1966?
3. Whether correct father's name of plaintiff is Said Wazir instead of Akhtar Shah?


14/09/2022
ZAHIR KHAN
C. Judge/JM
Karaya Orakzai

66

4. Whether CNIC of plaintiff bearing No. 21201-6682314-9 is liable to be canceled and plaintiff is entitled to retain CNIC bearing No. 21603-9463608-3? OPP
5. Whether plaintiff is entitled to the decree as prayed for? OPP
6. 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.

Plaintiff produced three witnesses in support of his claim while defendants produced one witness in defense.

Tila Khan, plaintiff himself appeared and recorded his statement as PW-01. He reiterated the averments of plaint. Copy of his CNIC and pension book/service record (29 pages) are Ex. PW-1/1 and Ex. PW-1/2 respectively. Photocopy of CNIC of his father is Ex-PW 1/3. CNIC bearing No. 21201-6682314-9 is Ex. PW-1/4. He lastly requested for decree of suit.

Arabi Khan, co-villager of plaintiff appeared and deposed as PW-02. He supported claim of plaintiff. Photocopy of his CNIC is Ex-


14/09/022

ZAHIR KHAN
Civil Judge/JMPW 2/1.
Karaya Orakzai

67

Ashor Khan, another co-villager of plaintiff appeared and deposed as PW-02. He also supported claim of plaintiff. Photocopy of his CNIC is Ex-PW 3/1.

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 and Family Tree of plaintiff are Ex. DW-1/1 and Ex. DW-1/2 respectively. He stated that plaintiff has been issued CNICs as per information provided by plaintiff and that he has got no cause of action and lastly requested for dismissal of suit.

Thereafter, evidence of defendants was closed.

The above discussion boils down to my following issue-wise findings.

ISSUE NO.2, 3, 4:

All these issues are interlinked therefore, taken together for simultaneous discussion.

Claim and contention of plaintiff is that as per Service Record, his true and correct date of birth is 09.08.1964 and his correct father's name is Said Wazir but defendants have incorrectly entered date of birth of plaintiff as 1966 and his father's name as Akhtar Shah

which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. Plaintiff has also sought cancelation

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14/09/2022

ZAHIR KHAN
C. J. Judge/JM
Karaya Orakzai

68

of one of the CNICs bearing No. 21201-6682314-9 and wants to retain CNIC bearing No. 21603-9463608-3. Plaintiff produced reliable documentary evidence in shape of Ex. PW-1/1, Ex. PW-1/2 and Ex. PW-1/3 in support of his claim and contention. As per Ex. PW-1/1, father's name of plaintiff is recorded as Said Wazir while as per Ex. PW-1/2 (Pension book/service record), father's name of plaintiff is recorded as Said Wazir and his date of birth is recorded as 09.08.1964. Similarly, as per Ex. PW-1/3, father's name of plaintiff is recorded as Said Wazir. Oral evidence produced by plaintiff is also supportive to the averments of plaint. Plaintiff is a retired person and the rectification/cancelation sought by plaintiff will not affect rights of others. If the rectification sought by plaintiff is not made, plaintiff and his family members will face inconvenience. DW-01, in his cross examination admitted that, in DUP cases, one of the CNICs can be canceled and other can be retained per NADRA 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 correct date of birth of plaintiff is 09.08.1964 instead of 1966 and his correct father's name is Said Wazir instead of Akhtar Shah. Issue No. 2, 3 and 4 decided in favor of plaintiff and against the defendants.

J. J.

14/09/22

ZAHID KHAN
Civil Judge
Kalaya Orakzai

ISSUES NO. 1 & 5.
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and reliable documentary and oral

(69)

evidence, therefore, he has got cause of action and is entitled to the decree, as prayed for. Issues decided in positive in favor of plaintiff.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her 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.

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

ANNOUNCED

14.09.2022



Zahir Khan

Civil Judge-I, Kalaya, Orakzai

CERTIFICATE

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.



Zahir Khan

Civil Judge-I, Kalaya, Orakzai