

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

Suit No.....111/1 of 2021 Neem.

Date of Original Institution.....24.02.2021.

Dated of Restoration.....15.11.2022.

Date of Decision.....01.12.2022.

= = = = =

Mehtaj D/O Iqbal Hussain R/O Qaum Mani Khel, Tappa Ahmad
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

JUDGEMENT

01.12.2022

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Mehtaj against defendants Chairman NADRA, Islamabad and two others 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 correct father's name of plaintiff is **Iqbal Hussain** whereas defendants have incorrectly and wrongly entered the same as **Abdullah Mir**. Plaintiff has further averred that her correct mother's name is Naheeda


ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai
01/12/2022

Jan whereas defendants have incorrectly and wrongly entered the same as Shameena Jan which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to do the needful 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 father's name of plaintiff is Iqbal Hussain instead of Abdullah Mir while correct mother's name of plaintiff is Naheeda Jan instead of Shameena Jan? 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.



01/12/2022

ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai

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

Iqbal Hussain, appeared and recorded his statement as PW-01. He supported plea of plaintiff. Copy of CNIC of mother of plaintiff is Ex. PW-1/1. Copy of his CNIC is Ex. PW-1/2. Copies of CNICs of brothers of plaintiff are Ex. PW-1/3 and Ex. PW-1/4.

Abdullah Mir (special attorney), uncle of plaintiff appeared and deposed as PW-02. He also supported plea of plaintiff. Special power of attorney is Ex. PW-2/1. Copy of his CNIC is Ex. PW-2/2. Copy of CNIC of plaintiff is Ex. PW-2/3. Copy of CNIC of Shameena Jan is Ex. PW-2/4. He lastly requested of decree of suit as prayed for.

Thereafter, evidence of plaintiffs was closed.

Nothing contradictory could be brought on record from the statement of PWs.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced family trees which 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 she has got no cause of action and lastly requested for dismissal of suit.

Thereafter, evidence of defendants was closed.



01/12/2022

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

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

ISSUES NO.2


Claim and contention of plaintiff is that, correct father's name of plaintiff is **Iqbal Hussain** whereas defendants have incorrectly and wrongly entered the same as **Abdullah Mir**. She has further averred that her correct mother's name is Naheeda Jan whereas defendants have incorrectly and wrongly entered the same as Shameena Jan which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.

Plaintiff produced cogent, convincing and reliable documentary as well as oral evidence in support of her claim and contention.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, it is held that plaintiff is the daughter of Iqbal Hussain and Naheeda Jan. Hence, issue decided in favour of plaintiff and against the defendants.

ISSUES NO.1 & 4.

In the light of foregoing discussion, plaintiff has proved her stance through cogent, convincing and reliable documentary and oral evidence, therefore, she 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.


01/12/022

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

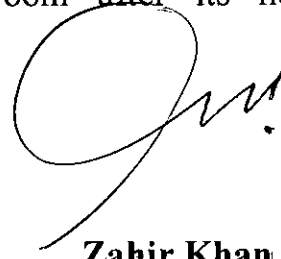
RELIEF:

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

01.12.2022

**Zahir Khan**

Civil Judge-I, Kalaya, Orakzai

CERTIFICATE

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

**Zahir Khan**

Civil Judge-I, Kalaya, Orakzai