

IN THE COURT OF ZAHIR KHAN

Civil Judge-I, Kalaya, Orakzai

Suit No.....84/1 of 2022.

Date of Institution.....02.08.2022.

Date of Decision.....19.12.2022.

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1. Shams Ul Hassan,
2. Shamira Naz,
3. Hatam Naz,
4. Amira Naz all children of Itaj Ali all residents of Qaum Bar Muhammad Khel, Tappa Khwaidad Khel, Tehsil Lower, District Orakzai.

.....(Plaintiffs)

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**

19.12.2022

Through this judgement, I am going to dispose of the instant suit filed by plaintiffs namely Shamsul Hassan and three others against the defendants Chairman NADRA, Islamabad and two others for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiffs have filed the instant suit for declaration cum-permanent injunction to the effect that correct father's name of plaintiffs is **Itaj Ali** whereas defendants have



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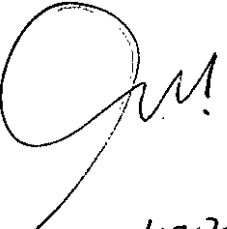
incorrectly and wrongly entered the same as **Ifaj Ali**. It is further averred that true and correct date of birth of plaintiff No. 1 as per Secondary School Certificate is 21.08.2003 whereas defendants have incorrectly and wrongly entered the same as 03.01.2001 which entries are wrong, illegal and ineffective upon the rights of plaintiffs 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 plaintiffs have got cause of action? OPP
2. Whether correct father's name of plaintiffs is Itaj Ali instead of Ifaj Ali while correct date of birth of plaintiff No. 1 is 21.08.2003 instead of 03.01.2001? OPP
3. Whether plaintiffs are entitled to the decree as prayed for? OPP
4. Relief.


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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.

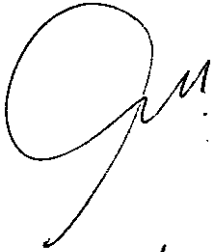
Plaintiffs produced two witnesses in support of their claim while defendants produced one witness in defense.

Plaintiff No. 1 himself (special attorney for rest of the plaintiffs) appeared and recorded his statement as PW-01. He reiterated the averments of plaint. Special power of attorney is Ex. PW-1/1. Copy of SSC certificate and domicile certificate are Ex. PW-1/2 and Ex. PW-1/3. Copy of CNIC of plaintiff No. 1 is Ex. PW-1/4. Copy of MNIC and death certificate of father of plaintiffs are Ex. PW-1/5 and Ex. PW-1/6. He requested for decree of suit in favour of plaintiffs against the defendants as prayed for.

Baji Gul Bibi, mother of plaintiffs appeared and deposed as PW-02. She supported plea of plaintiffs. Copy of her CNIC is Ex. PW-2/1. She lastly requested of decree of suit in favour of plaintiffs against defendants as prayed for.

Thereafter, evidence of plaintiffs was closed.

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



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Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree which is Ex. DW-1/1. He stated that plaintiffs have been issued CNIC/Form B as per information provided by plaintiffs and that they have got no cause of action and lastly requested for dismissal of suit.

Thereafter, evidence of defendants was closed.

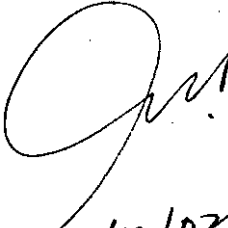
The above discussion boils down to my following issue-wise findings.

ISSUES NO.2

Claim and contention of plaintiffs is that, correct father's name of plaintiffs is **Itaj Ali** whereas defendants have incorrectly and wrongly entered the same as **Ifaj Ali**. It is further averred that correct date of birth of plaintiff No. 1 is 21.08.2003, however, defendants have entered the same as 03.01.2001 which entries are wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified.

Plaintiffs produced cogent, convincing and reliable documentary evidence in support of their claim. Oral evidence is also supportive to the plea of plaintiffs. Secondary School Certificate carries weight as presumption of correctness is attached to it.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, it is held that plaintiffs are children of Itaj Ali and correct date of birth of


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plaintiff No. 1 is 21.08.2003. Hence, issue decided in favour of plaintiffs and against the defendants.

ISSUES NO.1 & 4.

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

RELIEF:

Crux of my issue wise discussion is that plaintiffs produced cogent, convincing and reliable evidence, therefore, suit of plaintiffs is hereby decreed in their 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

19.12.2022



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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