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IN THE COURT OF REHMAT ULLAH WAZIR,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Civil Suit No. 12/1 of 2022
Date of Institution: 17.03.2022
Date of Decision: 23.09.2022

1. Mst. Ruqaya Alam d/o Ameer Alam Khan, R/O Qoum Biland Khel,
Tappa Piran, District Orakzai

(Plaintiff)

VERSUS


1. Chairman NADRA, Islamabad, Pakistan.
2. Assistant Manager, NADRA, District Orakzai.

(Defendants)

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

JUDGEMENT:

1. Plaintiff Mst. Ruqaya Alam has brought the instant suit for declaration-cum-permanent injunction against the defendants to the effect that she is the permanent resident of Qoum Biland Khel, Tappa Piran, Tehsil Upper, District Orakzai. That the parents of the plaintiff settled at Corporation Colony, Dalazak Road, Peshawar for business and for the education of the plaintiff, that is why the permanent address in the CNICs of the plaintiff and her parents has been entered as that of Corporation Colony, Peshawar. That the parents of the plaintiff have their own house and landed property at Village Piran, Biland Khel,


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District Orakzai and that the domicile of the paternal grandfather of the plaintiff is annexed with the plaint. That despite all the aforesaid facts, the defendants are not issuing CNIC to the plaintiff bearing the address of the Village Piran, Qoum Biland Khel, District Orakzai. That the defendants were asked time and again to do the aforesaid acts, but they refused to do so, hence the present suit;

2. Defendants were summoned, who appeared before the court through their representative and contested the suit by filing their 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 correct address of the plaintiff is Piran, Biland Khel, District Orakzai while it has been wrongly entered as Dalazak Road, House No. 166, Street.No. 02, Mohala Corporation Colony, Peshawar*

3. *Whether the plaintiff is entitled to the decree as prayed for?*

4. *Relief?*


Parties were given an opportunity to produce evidence which they did accordingly.

Issue wise findings of this court are as under: -

Issue No. 02

4. The plaintiff alleged in her plaint that she is the permanent resident of Qoum Biland Khel, Tappa Piran, Tehsil Upper, District Orakzai. That the parents of the plaintiff settled at Corporation Colony, Dalazak Road, Peshawar for business and for the education of the plaintiff, that is why the permanent address in the CNICs of the plaintiff and her parents has been entered as that of Corporation Colony, Peshawar. That the parents of the plaintiff have their own house and landed property at Village Piran, Biland Khel, District Orakzai and that the domicile of the paternal grandfather of the plaintiff is annexed with the plaint. That despite all the aforesaid facts, the defendants are not issuing CNIC to the plaintiff bearing the address of the Village Piran, Qoum Biland Khel, District Orakzai. That the defendants were asked time and again to do the aforesaid acts, but they refused to do so, hence the present suit;

5. Plaintiff in support of her contention produced witnesses, in whom Mr. Mushk Alam Bangash, the special attorney of the plaintiff appeared as PW-01, who produced his special power of attorney which is Ex.PW-1/2 and further stated that the parents of the plaintiff are his relatives, who


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are the residents of Qoum Biland Khel and have born there. Sometime ago, they shifted to Peshawar. That the CNIC of the plaintiff bears the address that of Peshawar. That the parents of the plaintiff have their property at Biland Khel. But he admitted in his cross examination that the permanent addresses mentioned in the CNICs of the parents and siblings of the plaintiff are that of Peshawar. Further admitted that the father of the plaintiff does not possess the domicile that of District Orakzai.

Further Mr. Muhammad Rael Khan appeared as PW-02 and stated that he personally knows the parents of the plaintiff who owns the property and are the residents of Biland Khel, Orakzai but he admitted in his cross examination that the permanent addresses in the CNICs of the parents of the plaintiff are that of Peshawar. That the plaintiff has born in Peshawar and that he does not know whether the father of the plaintiff possesses the domicile of District Orakzai or not?

The defendants produced only one witness, as Mr. Irfan Hussain, the representative of the defendants appeared as DW-1, who produced the Family Tree of the plaintiff, which is Ex.DW-1/1 and that according to this, the 05

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siblings and parents of the plaintiff have mentioned their permanent addresses that of District Peshawar. Further that as per the SOP of NADRA, the permanent address of a person can only be changed on the basis of domicile but the plaintiff does not possess the domicile of District Orakzai. Further that the plaintiff has shown her birth place as District Peshawar.

During cross examination, it is further revealed that as per the record, the father of the plaintiff also does not possess the domicile of District Orakzai.

Arguments heard and record perused.

After hearing of arguments and perusal of record, I am of the opinion that the plaintiff failed to produce any cogent, logical and documentary piece of evidence from which it could be presumed that she or her parents are the permanent residents of District Orakzai. As per the SOP of NADRA, she has not produced her domicile certificate of District Orakzai which is mandatory. Admittedly, the permanent addresses of her siblings and parents in their CNICs are that of Peshawar. The only piece of evidence available on case file is the domicile of the paternal grandfather of the plaintiff but the same has neither being

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produced by its legal custodian nor exhibited during evidence rather the same has just been placed on file, which cannot be relied upon in the present shape. Legally speaking, she should have obtained first the domicile of District Orakzai. Thus, the plaintiff badly failed to establish her stance through cogent and reliable evidence. Therefore, the issue is decided in negative.

Issue No. 01 & 03:

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


As sequel to my findings on issue No. 02, the plaintiff has got no cause of action and therefore not entitled to the decree as prayed for. Both these issues are decided in negative.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **dismissed** with costs.

File be consigned to the Record Room after its completion and compilation.

Announced
23.09.2022


(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)

CS

CERTIFICATE

Certified that this judgment of mine which consists of seven (07) pages, each has been checked, corrected where necessary and signed by me.



(Rehmat Ullah Wazir)
Senior Civil Judge,
Orakzai (at Baber Mela)