

**IN THE COURT OF SYED ABBAS BUKHARI,  
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI**

Civil Suit No. 07/1 of 2024  
Date of Original Institution: 08.03.2024  
Date of Decision: 19.04.2024

**Imraaz Ali S/O Khan War Ali, R/O Qaum Mani Khel,  
Tappa Sabzi Khel, Kalaya, Tehsil Lower, District Orakzai.  
.....(Plaintiff)**

**VERSUS**

- 1. Chairman NADRA Islamabad.
  - 2. DG NADRA Peshawar.
  - 3. AD NADRA Orakzai.
- .....(Defendants)

SYED ABBAS BUKHARI  
 CIVIL JUDGE-II  
 Tehsil Courts Kalaya  
 19/04/2024

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

**JUDGMENT  
19.04.2024**

Vide this judgment I intend to dispose of suit captioned above.

Brief facts of the case in hand are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that his correct father name is Gharib Ali but the same has been incorrectly mentioned in the record of defendants, which needs to be corrected and said entries are wrong, illegal and ineffective upon the rights of plaintiff. The defendants were asked time and again to rectify the father name date of plaintiff but they refused, hence, the present suit.

With due process of law and procedure, the defendants was summoned, who appeared through their representative and submitted authority letter and written statement.

Divergent pleadings of the parties were reduced into the following issues;

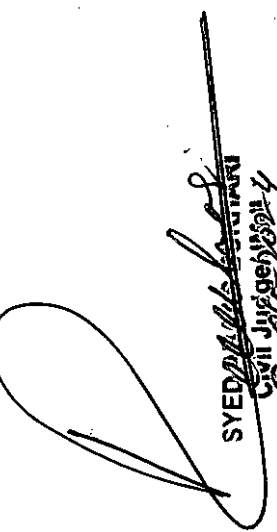
**Issues:**

1. **Whether plaintiff has got cause of action? OPP**
2. **Whether the correct father name of plaintiff is Ghareeb Ali? OPP**
3. **Whether the plaintiff is entitled to the decree as prayed for? OPP**
4. **Relief.**

Thereafter both the parties were directed to produce their evidence, which they did and plaintiff produced as many as two witnesses and thereafter closed his evidence. Contrary to this defendants produced their sole witness as DW-01 and thereafter closed their evidence.

Thereafter both the parties advanced their arguments in light of the available record and evidence so recorded.

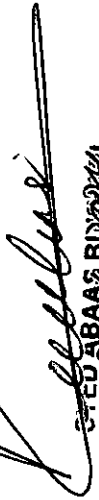
Now on perusal of the record and valuable assistance of both the learned counsels for the parties my issues wise findings are as under;

  
SYED ZAHID HUSSAIN  
Civil Judge (Sd) /  
Karnal Courts Kaleja

**Issue No. 02:****Whether the correct father name of plaintiff is Ghareeb Ali? OPP**

Plaintiff has previously alleged in his plaint that his correct father name is Ghareeb Ali while the same has been incorrectly mentioned in the record of defendants as Khahwar Ali, which needs to be corrected. To prove his stance plaintiff personally appeared as PW-01 in the witness box and deposed that

*"he is plaintiff in the instant suit. His CNIC is Ex-PW1/1. When he was minor, his father was murdered. His brother namely Iqbal Hussain is also dead and he had got no CNIC. His third brother Naseem Ali died in Jail, who had obtained CNIC but the same is misplaced, wherein father name of plaintiff is correctly mentioned as Ghareeb Ali while in his (plaintiff) CNIC name of his uncle is mentioned as his father name, who is also dead and is his father in law. His wife namely Ilyas Begum is the daughter of Khanwar Ali and she has also got no CNIC because she is my wife."*

  
GHAREEB ALI  
C/O Iqbal Hussain/JM-II  
Tehsil Courts Kalaya

PW-02 was produced and examined as one Shahadat Hussain s/o Kaptan Askar, who deposed on oath that plaintiff is his relative. His wife is daughter of deceased Khanwar Ali. Plaintiff's father name is Ghareeb Ali. Two brothers of plaintiff are dead, whose

names are Iqbal Hussain and Naseem Ali. Plaintiff's mother is also dead.

In light of the above evidence produced by the plaintiff to prove the issue in hand, it has been noticed that plaintiff when appeared as PW-01 had deviated from his previous stance alleged in the plaint and thus made improvements by disclosing new facts. It is also pertinent to mention here that plaintiff had alleged in his evidence that in his CNIC name of his uncle Khanwar Ali is mentioned in the column of parentage while said Khanwar Ali is father of his wife but he initially failed to mention this fact in his plaint and subsequently failed to prove the same through his evidence. Furthermore, there is no such evidence available on the record which could suggest that one Khanwar Ali is the father of plaintiff's wife. Moreover, there is also no such proof available on the record which could suggest that one Ilyas Begum is the wife of plaintiff. It is also pertinent to mention here that as per stance of plaintiff his two brothers namely Iqbal Hussain and Naseem Ali are dead while his sister Gul Taj Begum (daughter of Ghareeb Ali) is alive but plaintiff failed to produce her before this court in support of his stance. Furthermore, no such witness or



SYED AFTAB HUSSAIN  
Civil Judge/154-H  
Taluk Courts Kalaya

legal heir of deceased Ghareeb Ali appeared before the court to depose that plaintiff is real son and legal heir of deceased Ghareeb Ali. It is also pertinent to mention here that plaintiff has also admitted in his cross examination that he has also obtained English CNIC and has also travelled abroad and had remained for two and half years in Dubai. In given circumstances the question arise that as to why plaintiff remained silent over his incorrect father name for such a long period. On the other hand as per Ex-DW1/1 one Khanwar Ali and Mst: Anzila jan are parents of plaintiff and there is no such documentary evidence/proof available on the record which could suggest that Ghareeb Ali and Mst: Yasmina Jan are real parents of plaintiff.

In light of what has been discussed above, plaintiff miserably failed to prove the issue in hand through his cogent, convincing and reliable evidence. Hence resultantly the issue in hand is hereby decided in negative against plaintiff and in favour of defendants.

**Issue No. 01 & 03:**

**Whether the plaintiff has got cause of action? OPP**

**Whether the plaintiff is entitled to the decree as payed for? OPP**

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

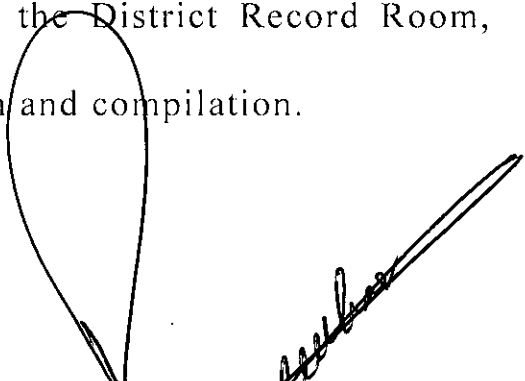
As sequel to my findings on issue No. 2, the plaintiff has got no cause of action and therefore he is not entitled to the decree as prayed for. Thus, both these issues are decided in negative against the plaintiff and in favour of defendants.

**RELIEF:**

As sequel to my above issue wise findings, the suit of the plaintiff is hereby **dismissed**. No order as to costs.

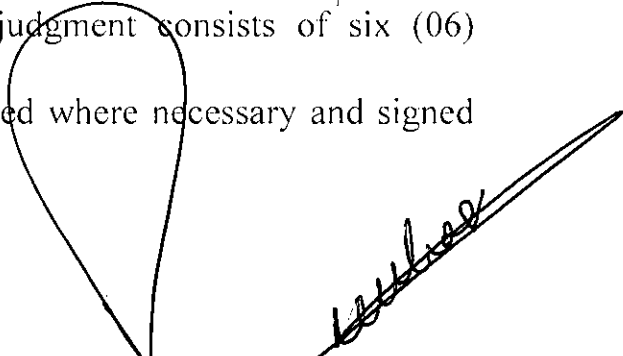
File be consigned to the District Record Room, Orakzai after its completion and compilation.

**Announced**  
**19.04.2024**

  
**Syed Abbas Bukhari**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai

**CERTIFICATE**

Certified that this judgment consists of six (06) pages, each has been checked, corrected where necessary and signed by me.

  
**Syed Abbas Bukhari**  
Civil Judge-II,  
Tehsil Court, Kalaya, Orakzai