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**IN THE COURT OF BAKHT ZADA,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA**

Civil Suit No. 13/1 of 2024
Date of Institution: 01.03.2024
Date of Decision: 30.04.2024

*Mairaj Bibi D/O Ali Asghar, R/O Qaum Ali Khel, Tappa Jasrat Khel,
Kago Kamar, Gandital, Tehsil Upper, District Orakzai.*
(Plaintiff)

VERSUS

- 1. Chairman NADRA, Islamabad.*
- 2. Registrar General, NADRA, Islamabad.*
- 3. District Officer NADRA, Orakzai.*

(Defendants)

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

JUDGEMENT:

30.04.2024

1. Plaintiff Mairaj Bibi D/O Ali Asghar has brought the instant suit against defendants Chairman NADRA, Islamabad and 02 others for declaration-cum-perpetual and mandatory injunction to the effect that correct name of her father is Ali Asghar and that of her mother is Khan Zeba Bibi, while the same have been wrongly entered in her record with the defendants as Muhammad Afzal and Noor Zera. That suit No. 43/1. of 2023, instituted on 01.11.2023 has already been decreed in favour of the plaintiff vide judgement & order Dated: 22.12.2023 by this court, but the correction of mother's name was not sought, therefore, filed the instant suit and she prayed for correction of her parentage in her record with the defendants. She alleged that the defendants were asked time

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5. PW-02: is the statement of the Ahmad Jan. He is husband of the plaintiff. He supported the stance of the plaintiff. Copy of his CNIC is Ex.PW-2/1.

6. PW-03: is the statement of the Shera Bibi. She is relative/paternal cousin of the plaintiff. She also supported the stance of the plaintiff. Copy of her CNIC is Ex.PW-3/1.

7. On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01. He stated that he has got no objection if suit of the plaintiff is decreed as prayed for.

After closing of evidence of the parties, arguments of the learned counsel for the parties were heard and available record perused.

My Issue wise findings are as under: -

Issue No. 02:

Plaintiff has alleged in her plaint that correct name of her father is Ali Asghar and that of her mother is Khan Zeba Bibi, while the same have been wrongly entered in her record with the defendants as Muhammad Afzal and Noor Zera.

During the course of evidence, the plaintiff appeared as PW-01 and confirmed the contents of her plaint during her statement and requested for correction as prayed for in the plaint. She stated during her statement as PW-01 that correct name of her father is Ali Asghar (late) and that of her mother is Khan Zeba Bibi and both are deceased. Their death certificates are Ex.PW-1/1 and Ex.PW-1/2 respectively, but at the time of preparation of her CNIC, the defendants have wrongly entered Mairaj Bibi vs Chairman NADRA etc Case No. 13/1 of 2024 Page 3 of 5

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her father's name as Muhammad Afzal who is her uncle and that of her mother as Noor Zera who is her aunt in her record with the defendants which is wrong and will lead to create complications in future. She exhibited the copies of her CNIC, CNIC of her father Ali Asghar and CNIC of her mother as Ex.PW-1/3 to Ex.PW-1/5 respectively. Further stated that she has got a decree for correction of her father's name from this court which is Ex.PW-1/6, but had inadvertently not prayed for correction of mother's name. This fact is affirmed by PW-02 Ahmad Jan and PW-03 Mst. Shera Bibi being offsprings of Muhammad Afzal and Noor Zera. The names of the parents of the plaintiff have been wrongly entered in the record of the defendants which is confirmed by PW-02 and PW-03 in their statements. There is nothing more authentic to rebut the statement of the plaintiff as PW-01 and the statement of PW-02, her husband Ahmad Jan and that of Mst. Shera Bibi as PW-03, relating to the fact that plaintiff and PW-02 are husband and wife. The father's name of her husband is mentioned in his CNIC, which is Mohammad Afzal and as per NADRA record, they are brother and sister, but in reality they are husband and wife. Now, after establishing the said fact, it is mandatory for the defendants to make rectification of parentage of the plaintiff in her record with them. Issue is decided in positive.

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Senior Civil Judge (I)
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Issue No. 01 & 03:

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

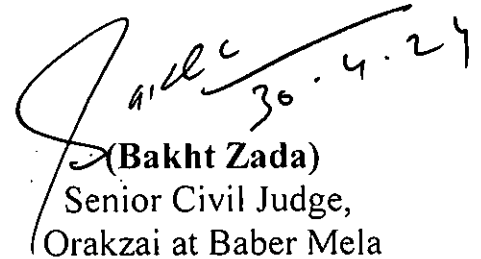
As sequel to my findings on issue No. 02, the plaintiff has proved through cogent evidence that correct name of her father is Ali Asghar and that of her mother is Khan Zeba Bibi instead of Muhammad Afzal and Noor Zera. Issue No. 01 & 03 are decided in positive.

RELIEF:

As sequel to my above issue-wise findings, the plaintiff proved her case through cogent evidence, therefore suit of the plaintiff is hereby decreed as prayed for with no order as to cost.

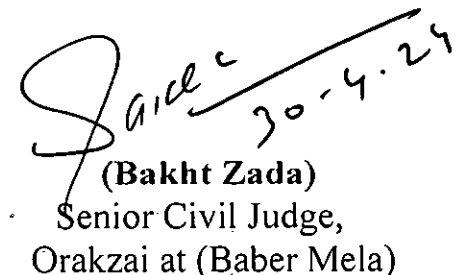
File be consigned to the Record Room after its completion and compilation.

Announced
30.04.2024


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CERTIFICATE

Certified that this judgement of mine consists of five (05) pages, each has been checked, corrected where necessary and signed by me.


(Bakht Zada)
Senior Civil Judge,
Orakzai at (Baber Mela)