

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

Civil Suit No. 10/1 of 2024
Date of Original Institution: 25.03.2024
Date of Decision: 16.05.2024

1. Ghulam Hussain and
2. Wajid Ali, both sons of Kharpal Hussain, both residents of Qom Mani Khel, Tappa Terai, Tehsil Lower, District: Orakzai.....(Plaintiffs)

VERSUS


1. Chairman, NADRA, Islamabad.
 2. Director General NADRA, Peshawar.
 3. Assistant Director, NADRA District Orakzai.
-(Defendants)

SUIT FOR DECLARATION -CUM- PERPETUAL AND MANDATORY INJUNCTION

JUDGMENT

16.05.2024

1. Brief facts of the case in hand are that plaintiffs has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct father name of plaintiffs is **Kharpal Hussain**, while defendants have incorrectly entered the father name of plaintiff no. 01 is Mureel Hussain and that of plaintiff no. 02 as Kharpalo Hussain in their


16-05-2024
SYED ABBAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

record, which are wrong, ineffective upon the right of the plaintiffs and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

2. Defendants were summoned, they appeared through their representative namely Syed Irfan Hussain and filed their written statement whereby they objected the suit on factual and legal grounds.

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


Issues:

1. Whether the plaintiffs have got a cause of action? OPP
2. Whether the correct father name of plaintiffs is **Kharpal Hussain**, while defendants incorrectly entered the father name of plaintiff no. 01 as Mureel Hussain and that of plaintiff no. 02 as Kharpalo Hussain? OPP
3. Whether the plaintiffs are entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -

Issue No. 02:

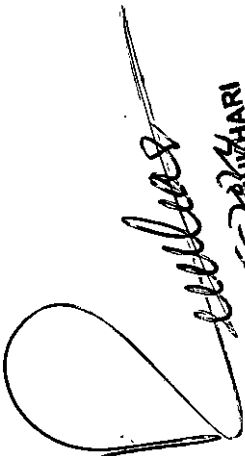
The plaintiffs alleged in their plaint that correct father name of plaintiffs is **Kharpal Hussain**, while defendants have incorrectly entered



SYED ABBAS BUKHARI
Civil Judge/JM-II
Tehsil Courts-Kalaya

the father name of plaintiff no. 01 is Mureel Hussain and that of plaintiff no. 02 as Kharpalo Hussain in their record which are wrong, ineffective upon the right of plaintiffs and liable to be corrected.

The plaintiff produced witnesses in whom Ghulam Hussain S/O Kharpal Hussain, the plaintiff no. 01 himself, appeared as PW-01. He stated that his correct father name as Kharpal Hussain while defendants have wrongly entered the same as Mureel Hussain. Similarly, correct father name of plaintiff no. 02 (brother of plaintiff no. 01) is Kharpal Hussain, while defendants have incorrectly entered the same as Kharpalo Hussain in their record. He further stated that his father name correctly mentioned in the CNIC of his brother namely Mahmal Hussain. His CNIC is Ex. PW-1/1. The witness has been cross examined. During cross examination he stated that his father had died in 1986. His mother was the second wife of his father and the one Mahmal Hussain is his step brother. He further stated that he is retired from the FC and his service book is Ex. PW-1/2.

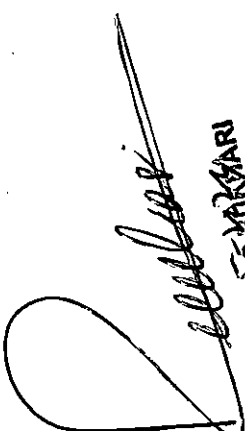


SYED AZAAN BUXHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

Wajid Ali S/O Kharpal Hussain, the plaintiff no. 02 himself, appeared and deposed as PW-02. He stated that plaintiff no. 01 is his real brother and correct date of birth his father is Kharpal Hussain and defendants have incorrectly entered the same as Kharpalo Hussain in their record. His CNIC is Ex. PW-2/1. His father NIC is Ex. PW-2/2. During cross examination he stated that his father two marriages. The one Mahmal Hussain is his step brother.

Mahmal Hussain S/O Kharpal Hussain, appeared and deposed as PW-03. He stated that plaintiffs are his brothers and their father correct name as Kharpal Hussain. He stated that his father have two marriages. First widow name is Noora Jan and second widow name as Umma Jan. His CNIC is Ex. PW-3/1. During cross examination nothing tangible has been extracted out of him. Thereafter, plaintiffs closed their evidence with a note.

In order to counter the claim of the plaintiff, defendants produced only one witness, the representative of the defendants namely Syed Irfan Hussain, who appeared as DW-01. He produced the family tree of plaintiffs consisting upon 04 pages



SYED ABBAS BOKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

which is Ex. DW-1/1 to Ex. DW-1/4 according to which the father name of plaintiff no. 01 is mentioned as Mureel Hussain and mother name as Umma Jan. Similarly, the father name of plaintiff no. 02 is mentioned as Kharpalo Hussain and mother name Umma Jan. According to NADRA SOP parentage name can be changed on the biometric of one brother or sister. During cross examination he stated that today I seen the old NIC of plaintiff's father, wherein the name is mentioned as Kharpal Hussain. It is also correct that father name of plaintiff no. 01 is correctly mentioned as Kharpal Hussain in the discharge certificate. Thereafter, defendants closed their evidence with a note.

In light of above discussion as plaintiffs succeeded to prove their stance by producing cogent, convincing and reliable evidence and nothing in rebuttal has been brought on record by the opposite party, accordingly, the issue in hand is hereby decided in positive.

Issue No. 01 & 03:

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

16-05-2024
SYED ABAAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

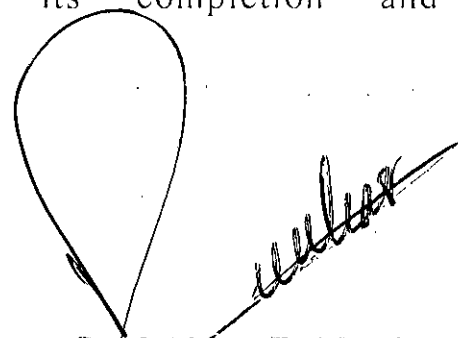
As sequel to my findings on issue No. 02 the plaintiffs have got a cause of action and therefore entitled to the decree as prayed for. Thus, both these issues are decided in positive.

RELIEF:

As sequel to my above issue wise findings, the suit of the plaintiffs are hereby **decreed** as prayed for and defendants are hereby directed to correct father name of plaintiffs as **Kharpal Hussain** in their official record. No order as to costs.

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

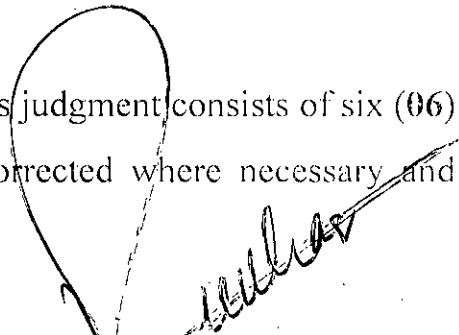
Announced
16.05.2024



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