

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

Civil Suit No. 81/1 of 2024
Date of Institution: 07.07.2024
Date of Decision: 26.07.2024

*Muhammad Qadam S/O Janat Khan, R/O Qaum Ali Khel, Tappa Sher
Khel, Tehsil Upper, District Orakzai*
(Plaintiff)

VERSUS

Assistant Director NADRA, Orakzai
(Defendant)

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

JUDGEMENT:

26.07.2024

1. Plaintiff Muhammad Qadam has brought the instant suit against defendant Assistant Director NADRA, Orakzai for declaration-cum-perpetual and mandatory injunction to the effect that correct name of his father is Janat Khan and correct name of his mother is Gul Zeba, but the same have been wrongly entered in his record with the defendants as Ajmir Khan and Jahanzeba. He prayed for correction in his record with the defendant. The defendant was asked time and again to do the needful, but he refused to do so, hence, the present suit;
2. Defendant was summoned, who appeared before the court through his representative and contested the suit by filing authority letter and written statement.

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

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Issues:

1. *Whether the plaintiff has got cause of action?*
 2. *Whether the correct name of father of the plaintiff is Janat Khan and mother name of the plaintiff is Gul Zeba, while the defendants have wrongly entered the same as Ajmir Khan and Jahanzeba?*
 3. *Whether plaintiff is entitled to the decree as prayed for?*
 4. *Relief?*
3. Parties were given opportunity to produce evidence in support of their respective claims. The plaintiff produced and recorded the statements of following PWs;
4. **PW-01:** Muhammad Qadam, plaintiff himself appeared as PW-01 and stated that correct name of his father is Janat Khan and correct name of his mother is Gul Zeba and defendants have wrongly entered the same as Ajmir Khan and Jahanzeba. He requested for decree of suit as prayed for.
5. **PW-02,** is the statement of the Zahra Bibi (sister of plaintiff). She supported the stance of the plaintiff by repeating the whole story as briefly describe in the plaint. She requested for decree of suit as prayed for. Copy of her CNIC is Ex. PW-2/1.
- PW-03,** is the statement of Gul Zeba (mother of plaintiff). She supported the stance of plaintiff and requested for decree of the suit in favour of plaintiff as prayed for. Copy of CNIC of her husband is Ex. PW-3/1.
7. On the other hand, representative for NADRA, Irfan Hussain recorded his statement as DW-01. He produced family tree which is Ex. DW-1/1.

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8. 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:

9. Plaintiff has alleged in his plaint that correct name of his father is Janat Khan and correct name of his mother is Gul Zeba, but the same have been wrongly entered in his record with the defendants as Ajmir Khan and Jahanzeba. He prayed for correction in his record with the defendant.

10. Plaintiff has produced and recorded the statements of his sister (PW-01) and his mother (PW-02), who have affirmed that the real father name of the plaintiff is Janat Khan and correct name of his mother is Gul Zeba instead of Ajmir Khan and Jahanzeba. According to Nadra SOPs for such correction the plaintiff is required to produce his mother for biometric verification by the defendants. DW-01 in his cross examination also stated that as per Nadra SOPs, names of parents can be corrected by verification through biometric, therefore, the plaintiff is directed to produce his mother/sister for biometric verification as father of the plaintiff has reportedly dead, and get the desired correction in his record. Issue is decided accordingly in favour of the plaintiff.

Issue No. 01 & 03:

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

11. As sequel to my findings on issue No. 02, the plaintiff has proved through cogent evidence that correct father name of plaintiff is Janat

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Khan instead of Ajmir Khan and correct mother name of plaintiff is Gul Zeba instead of Jahanzeba. Issues No. 01 & 03 are decided in positive.

RELIEF:

12. As sequel to my above issue-wise findings, the plaintiff has produced evidence regarding the correction of his parentage in his record with the defendants, but according to Nadra SOPs such correction can also be made by producing his mother/sister etc before the defendants for their biometric verification, where after the desired correction be made. Decree granted accordingly in favour of the plaintiff against the defendants. No order as to cost.


13. Case file be consigned to the Record Room after its completion and compilation.

Announced
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CERTIFICATE

Certified that this judgement of mine consists of four (04) pages, each has been checked, corrected where necessary and signed by me.


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