

**IN THE COURT OF ZAHIR KHAN**  
Civil Judge-I, Kalaya, Orakzai

Suit No.....29/1 of 2024.

Date of Institution.....01.08.2024.

Date of Decision.....19.08.2024.

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Mst. Bibi Jameena W/O Ghafoor Khan R/O Qaum Mishti Tappa  
Mamo Zai, Tehsil Central, District Orakzai.

.....(Plaintiff)

**Versus**

1. Assistant Director NADRA, District Orakzai.
2. Director General NADRA, KPK
3. Chairman NADRA, Islamabad.

..... (Defendants)

**SUIT FOR DECLARATION & PERMANENT INJUNCTION****JUDGMENT**

19.08.2024

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Mst. Bibi Jameena against defendants Assistant Director NADRA, District Orakzai and two others for declaration and permanent injunction.

Brief facts as per plaint are that correct father's name of plaintiff is Zar Badshah whereas defendants have incorrectly and wrongly entered the same as Fazal Rehman. Plaintiff has further averred that her correct mother's name is Totia Gula whereas defendants have incorrectly and wrongly entered the same as Bismillah

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Jan in their official record which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendants were asked time and again to do the needful but in vain, hence the present suit.

After institution of the suit, defendants were summoned, who marked their attendance through representative and contested the suit by filing authority letter and written statement.

From divergent pleadings of the parties, the following issues were framed for adjudication of real controversy between the parties. The controversial pleadings of the parties were reduced into the following issues:

### ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether suit of plaintiff is within time? OPP
3. Whether correct father's name of plaintiff is Zar Badshah instead of Fazal Rehman and correct mother's name of plaintiff is Totia Gula instead of Bismillah Jan? OPP
4. Whether plaintiff is entitled to the decree as prayed for? OPP
5. Relief.

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Upon submission of list of witnesses, both the parties on being provided with an opportunity to adduce their desired evidence, the parties produced their respective evidence.

After the completion of evidence, arguments of the learned counsels for the parties were heard and record of the case file was gone through with their valuable assistance.

Plaintiff produced three witnesses in support of her claim while defendants produced one witness in defense.

Ghafoor Khan, husband and special attorney of plaintiff appeared and recorded his statement as PW-01. He reiterated the averments of plaint. Copy of his CNIC is Ex.PW-1/1. Special power of attorney is Ex. PW-1/2. Copy of CNIC of plaintiff is Ex.PW-1/3. Khana Gul/relative of plaintiff and Ismail/brother of plaintiff appeared and deposed as PW-02 & PW-03 respectively. They fully supported the claim of plaintiff. Copies of their CNICs are Ex. PW-2/1 & Ex.PW-3/1. Thereafter, evidence of plaintiff was closed.

Nothing contradictory could be brought on record from the statements of PWs.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He submitted authority letter which is Ex. DW-1/1. He stated that rectification of parentage of plaintiff is possible if parents of plaintiff pass through the process of biometric or obtains a court decree. He admitted in his cross examination that plaintiff is the wife of Ghafoor Khan who is son of Fazal Rehman and Mst. Bismillah Jan. The said Fazal Rehman and Mst. Bismillah Jan are the parents-in-law of plaintiff. Thereafter, evidence of defendants was closed.

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The above discussion boils down to my following issue-wise findings.

**ISSUE NO.2**

Plaintiff has been issued CNIC on 17.05.2011 with expiry date as 30.04.2024. Suit in hand was filed on 01.08.2024. In plethora of judgments of the Apex Superior Courts, it is held that every wrong entry will accrue fresh cause of action. Even otherwise, all Federal and Provincial laws stood extended to the newly merged districts in the year 2019. As period of limitation under Article 120 of Limitation Act is six years, therefore, suit of plaintiff is held to be within time. Issue No. 2 decided in positive.

**ISSUE NO.3**

Claim and contention of plaintiff is that her correct father's name is Zar Badshah whereas defendants have incorrectly and wrongly entered the same as Fazal Rehman. She has further averred that her correct mother's name is Totia Gula whereas defendants have incorrectly and wrongly entered the same as Bismillah Jan which entries are wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. It is further averred that the said Fazal Rehman and Bismillah Jan are her parents-in-law.

Plaintiff produced cogent, convincing and reliable documentary as well as oral evidence in support of her claim and

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contention. Oral evidence produced by plaintiff is also supportive to the averments of plaint. DW-01, in his cross examination, admitted the stance of plaintiff.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, issue No. 3 decided in favour of plaintiff and against the defendants.

**ISSUES NO.1 & 4.**

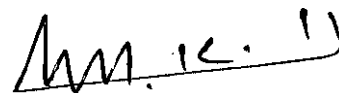
In the light of foregoing discussion, plaintiff has proved her stance through cogent, convincing and reliable documentary and oral evidence, therefore, she has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

**RELIEF:**

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her favor against the defendants as prayed for. No order as to cost. This decree shall not affect the rights of other persons interested, if any.

File be consigned to record room after its necessary completion and compilation.

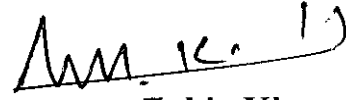
**ANNOUNCED**  
20.08.2024



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**CERTIFICATE**

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.



**Zahir Khan**  
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