

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

Suit No.....39/1 of 2024.

Date of Institution.....03.09.2024.

Date of Decision.....30.09.2024.

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Khapur Khan S/O Muhammad Ghulam R/O Qaum Bar Muhammad
Khel, Tappa Khwaidad Khel, Kurez, Tehsil Lower, District Orakzai.

.....(*Plaintiff*)

Versus

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

..... (*Defendants*)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGMENT
30.09.2024

Through this judgment, I am going to dispose of the instant
suit filed by plaintiff namely Khapur Khan against defendants
Chairman NADRA, Islamabad and two others for declaration and
permanent injunction.

Brief facts in the backdrop are that plaintiff has filed the
instant suit for declaration cum-permanent injunction to the effect that
true and correct name of plaintiff is **Khapur Khan** whereas defendants
have incorrectly and wrongly entered the same as **Khapur Ali** in their

record which entry is wrong, illegal and ineffective upon the rights of

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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 correct name of plaintiff is Khapur Khan but defendants have wrongly and incorrectly entered the same as Khapur Ali in their record? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

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

Khapur Ali, plaintiff himself appeared and deposed as PW-01.

He reiterated the averments of plaint. Copy of his CNIC is Ex. PW-1/1.

Copy of CNIC of son of plaintiff is Ex. PW-1/2. Copy of passport of son

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of plaintiff is Ex.PW-1/3. He lastly requested of decree of suit as prayed for. Injad Ali, relative of plaintiff, Daleel Hussain, nephew of plaintiff appeared and deposed as PW-02 & PW-03 respectively. They also supported plea of plaintiff. Thereafter, evidence of plaintiff was closed. Nothing contradictory could be brought on record from the PWs.

Irfan Hussain (Representative of NADRA, Orakzai) appeared as DW-01. He produced family trees, copy of affidavit and NADRA registration form which are Ex. DW-1/1 to Ex.DW-1/4 respectively. He stated that plaintiff has been issued CNIC as per information provided by him and that he has got no cause of action and lastly requested for dismissal of suit. Thereafter, evidence of defendants was closed. 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.

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

ISSUE NO.2 & 3

Claim and contention of plaintiff is that correct name of plaintiff is **Khapur Khan** whereas defendants have incorrectly and wrongly entered the same as **Khapur Ali** which entry is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.

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

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contention. NADRA record of son of plaintiff further supports the plea of plaintiff. Oral evidence is also supportive to the averments of plaintiff. Plaintiff is not a government servant; therefore, modification sought by plaintiff will not affect rights of others.

Keeping in view the above discussion and documentary as well as oral evidence available on file, issue No. 2 and 3 are decided in favour of plaintiff and against the defendants.

ISSUE NO.1 & 4.

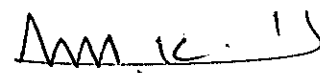
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and reliable documentary and oral evidence; therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in his 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
30.09.2024



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CERTIFICATE

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



Zahir Khan
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