

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

Suit No.....41/1 of 2024.

Date of Institution.....09.09.2024.

Date of Decision.....23.09.2024.

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1. Shakir Ullah
2. Zareen Gul
3. Ashraf Khan
4. Ilyas Khan
5. Noshid Gul all R/O Qaum Feroz Khel, Tappa Jeesal Khel,
District Orakzai.....(Plaintiffs)

Versus

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

..... (Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT

23.09.2024

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

Brief facts in the backdrop are that plaintiffs have filed the instant suit for declaration cum-permanent injunction to the effect that correct father's name of plaintiffs is **Gul Mat Khan** which is correctly recorded in the NADRA record of plaintiff No. 1 to 4 whereas

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defendants have incorrectly and wrongly entered the father's name of plaintiff No. 05 Noshid Gul as **Gul Bat Khan** which entry is wrong, illegal and ineffective upon the rights of plaintiffs 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 plaintiffs have got cause of action? OPP
2. Whether correct father's name of plaintiffs is Gul Mat Khan but defendants have wrongly and incorrectly entered the father's name of plaintiff No. 5 as Gul Bat Khan in their record? OPP
3. Whether plaintiffs are 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.

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Plaintiffs produced two witnesses in support of their claim while defendants produced one witness in defense.

Plaintiff No. 1 Shakir Ullah for himself (special attorney for rest of the plaintiffs) appeared and recorded his statement as PW-01. He reiterated the averments of plaint. Special power of attorney is Ex. PW-1/1. Copy of his father's CNIC is Ex.PW-1/2. Copy of his of Plaintiff No. 5 is Ex.PW-1/3. Copy of his CNIC is Ex.PW-1/4. Copy of CNIC of Plaintiff No. 2 is Ex.PW-1/5, Copy of CNIC of plaintiff No. 3 is Ex. PW-1/6. He requested for decree of suit in favour of plaintiffs against the defendants as prayed for.

Niamat Khan, brother of plaintiffs appeared and deposed as PW-02. He supported plea of plaintiffs. Copy of his CNIC is Ex. PW-2/1. He lastly requested of decree of suit in favour of plaintiffs against defendants as prayed for.

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Thereafter, evidence of plaintiffs 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 produced family tree consisting of 02 sheets which is Ex. DW-1/1. He stated that plaintiffs have been issued CNIC as per information provided by plaintiffs and that they have got no cause of action and lastly requested for dismissal of suit.

Thereafter, evidence of defendants was closed.

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After the completion of evidence, arguments of the learned counsel 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 plaintiffs is that, plaintiffs have filed the instant suit for declaration cum-permanent injunction to the effect that correct father's name of plaintiffs is **Gul Mat Khan** whereas defendants have incorrectly and wrongly entered the father's name of plaintiff No. 5 as **Gul Bat Khan** which entry is wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified.

Plaintiffs produced cogent, convincing and reliable documentary evidence in support of their claim. Oral evidence is also supportive to the plea of plaintiffs. Keeping in view the above discussion, documentary as well as oral evidence available on file, issue No. 2 & 3 decided in favour of plaintiffs and against the defendants.

ISSUES NO.1 & 4.

In the light of foregoing discussion, plaintiffs have proved their stance through cogent, convincing and reliable documentary and oral evidence; therefore, they have got cause of action and are entitled

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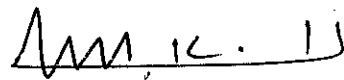
to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiffs.

RELIEF:

Crux of my issue wise discussion is that plaintiffs produced cogent, convincing and reliable evidence; therefore, suit of plaintiffs is hereby decreed in their 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.

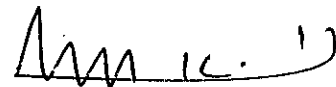
ANNOUNCED
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CERTIFICATE

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



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