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Case Title: Umar Hayat Vs NADRA

IN THE COURT OF MUHAMMAD JUNAID ALAM,
CIVIL JUDGE-II, TEHSIL COURTS, KALAYA, ORAKZAI

Civil Suit No. 52/1 of 2024
Date of Original Institution: 10.09.2024
Date of Decision: 21.10.2024

UMAR HAYAT SON OF SAWAB KHAN,
RESIDENT OF QOM MISHTI, TAPPA MAMIZAI,
KANDANAI, DISTRICT ORAKZAI

.....(PLAINTIFF)

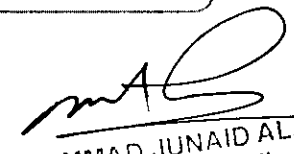
VERSUS

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
21.10.2024


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

1. Brief facts of the case in hand are that plaintiff has brought the instant suit for declaration, permanent and mandatory injunction against the defendants, referred hereinabove, seeking declaration therein that correct name of parents of plaintiff are **Sawab Khan** and **Lal Marjan**, while defendants have incorrectly entered the parents names of plaintiff as Talib Jan and Bibi Marjan in their record, which are wrong, ineffective upon the rights of the

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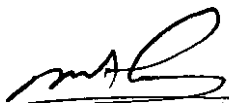
plaintiff and liable to correction. That the defendants were asked time and again to do the aforesaid correction but they refused, hence, the present suit;

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.
3. 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 parents names of plaintiff are **Sawab Khan** and **Lal Marjan**, while defendants have incorrectly entered the same as Talib Jan and Bibi Marjan respectively in their record? OPP
3. Whether the plaintiff is entitled to the decree as prayed for?
4. Relief?

Issue wise findings of this court are as under: -


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

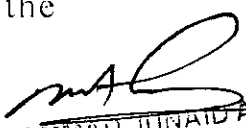
Issue No. 02:

The plaintiff alleged in his plaint that correct parent names of plaintiff are **Sawab Khan** and **Lal Marjan**, while defendants have incorrectly entered the parent names of plaintiff as Talib Jan and Bibi Marjan in their record, which are wrong,

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ineffective upon the rights of the plaintiff and liable to be corrected.

The plaintiff produced witnesses in whom Talib Jan son of Lal Hassan, appeared and deposed as PW-01. He stated that correct parent names of plaintiff are Sawab Khan and Bibi Marjan. He lastly requested for decree of the suit of plaintiff. He produced the copy of his CNIC which is Ex. PW-1/1. During cross examination he stated that Sawab Khan has only one son, which is the plaintiff.


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Mst. Bibi Marjan wife of Talib Jan, appeared and deposed as PW-02. She stated that correct father name of plaintiff is Sawab Khan and mother name is Lal Marjan, but defendants has entered their names incorrectly. She lastly requested for decree of the suit. The parents of plaintiff has died. She produced the copy of her CNIC which is Ex. PW-2/1. During cross examination nothing contradictory has been extracted out of her.

Umar Hayat son of Sawab Khan, the plaintiff himself appeared and deposed as PW-03. He produced copy of his CNIC which is Ex. PW-3/1. He further stated that his parents has died and their death certificates are Ex. PW-3/2 & Ex. PW-3/3

respectively. He stated that his correct father name is Sawab Khan and mother name is Lal Marjan but defendants have incorrectly entered his father name as Talib Jan and mother name as Bibi Marjan in his record. He lastly requested for decree of the suit. Swab Khan has one brother and two sister are alive. Thereafter plaintiff closed their evidence. However, plaintiff was directed by this Court to produce two blood relative as witnesses, accordingly he produced as under.

Mst. Zar Jameena wife of Nazeer Gul appeared and deposed as PW-04. She stated that she is the sister of Sawab Khan. She further stated that correct parents names of plaintiff are Sawab Khan and Lal Marjan but defendants have incorrectly entered the same as Talib Jan and Bibi Marjan in their record. She lastly requested for decree of the suit of plaintiff. Her CNIC is Ex. PW-4/1. The witness was cross examined but nothing contradictory has been extracted out of her.

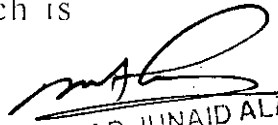
Najaf Khan Son of Lal Masan, appeared and deposed as PW-05. He stated that he is real uncle of the plaintiff. He further stated that correct parents names of plaintiff are Sawab Khan and Lal Marjan but has incorrectly entered the same as



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Talib Jan and Bibi Marjan by the defendants in their record. He lastly requested for decree of the suit of plaintiff. His CNIC is Ex. PW-5/1. During cross examination he stated that wife of Sawab Khan has died. Talib Jan is his cousin. He further stated that Sawab Khan has only one son, which is the plaintiff.


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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 plaintiff which is Ex. DW-1/1, according to which the father name of plaintiff is mentioned as Talib Jan and mother name as Marjan. He further stated that during making his CNIC, he brought the CNIC of Talib Jan, as his father. During cross examination he stated that it is correct that late Sawab Khan has died on 27.03.1998 while Lal Marjan has died on 18.09.2000. Self-stated that in the death certificate of Sawab Khan the Talib Jan has been mentioned as his brother, where the statement of Talib Jan, he was stated that Sawab Khan as his cousin. Plaintiff obtained his CNIC on 05.03.2013. Thereafter,

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representative of defendants closed his evidence with a note.

In light of above discussion as plaintiff succeeded to prove his 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.

As sequel to my findings on issue No. 02 the plaintiff has 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 plaintiff is hereby **decreed** as prayed for and defendants are hereby directed to enter correct father name of the plaintiff as **Sawab Khan** and mother name as **Lal Marjan** in their official record. No order as to costs. This decree shall not effect the rights of other or service record if any.


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

Announced
21.10.2024



Muhammad Junaid Alam,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai
MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

CERTIFICATE

Certified that this judgment consists of seven (07) pages, each has been checked, corrected where necessary and signed by me.



Muhammad Junaid Alam,
Civil Judge-II,
Tehsil Courts, Kalaya, Orakzai
MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya