

IN THE COURT OF MUHAMMAD JUNAID ALAM
Civil Judge-II, Kalaya, Orakzai

Suit No.....67/1 of 2024.

Date of Original Institution.....12.08.2024.

Dated of Transfer In.....14.10.2024.

Date of Decision.....10.03.2025.

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Siraj Akbar S/O Said Amin Akbar


Ayata Gula W/O Said Amin Akbar both resident of Qoum Bezo,
Tappa Betani Tehsil Lower, District Orakzai.

.....(Plaintiff)

Versus

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

..... (Defendants)


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SUIT FOR DECLARATION & PERMANENT JUNCTION


JUDGEMENT
10.03.2025

Through this judgement, the Court intends to dispose of the instant suit filed by plaintiffs namely Siraj Akbar and Mst. Ayata Gula against 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 parent names of plaintiff No.1 are **Said Amin Akbar** and **Ayata Gula** and his correct date of birth according to school record is

17.04.1994. Similarly, correct husband name of plaintiff No.2 is **Said Amin Akbar**, while defendants have incorrectly and wrongly entered the parent's names of plaintiff No.1 as **Jan Akbar** and **Dor Marjan** and his date of birth as 01.01.1991. Similarly, defendants have incorrectly entered the husband name of plaintiff No.2 as Zerri Gul, which entries are 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.


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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:

AMENDED ISSUES:

1. Whether plaintiffs have got cause of action? OPP
2. Whether correct parent names of plaintiff No.1 are Said Amin Akbar and Mst. Ayata Gula and his correct date of birth is 17.04.1994. Similarly, correct husband name of plaintiff No.2 is Said Amin Akbar? OPP
3. Whether plaintiffs are entitled to the decree as prayed for? OPP

4. Relief.

Issue wise findings of this court as under:-

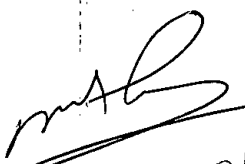
ISSUES NO.2

Whether correct parent names of plaintiff No.1 are Said Amin Akbar and Mst. Ayata Gula and his correct date of birth is 17.04.1994. Similarly, correct husband name of plaintiff No.2 is Said Amin Akbar? OPP

The plaintiffs alleged in their plaint that correct parent names of plaintiff No.1 are Said Amin Akbar and Mst. Ayata Gula and his correct date of birth is 17.04.1994. Similarly, correct husband name of plaintiff No.2 is Said Amin Akbar while defendants have incorrectly and wrongly entered the parent's names of plaintiff No.1 as Jan Akbar and Dor Marjan and his date of birth as 01.01.1991. Similarly, defendants have incorrectly entered the husband name of plaintiff No.2 as Zerri Gul, which entries are wrong, illegal and ineffective upon the rights of plaintiffs and liable to be rectified.

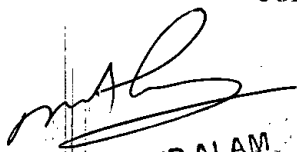
Plaintiffs produced three witnesses in support of their claim while defendants produced one witness in defense.

Abdul Salam, appeared and recorded his statement as PW-01. He stated that plaintiff No.1 is his real brother and plaintiff No.2 is his real mother. He further stated that defendants have wrongly entered father name of plaintiff No.1 is Jan Akbar, who is actually is his grandfather and correct husband name of plaintiff No.2 is Said Amin


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Akbar. Copy of his CNIC is Ex.PW-1/1. During cross examination nothing contradictory has been extracted out of him.

Shair Gul, maternal uncle of plaintiff No.1 and brother of plaintiff No.2 appeared and deposed as PW-02. He stated that plaintiff No.1 is his real nephew and plaintiff No.2 is his real sister, while one Jan Akbar is the grandfather of plaintiff No.1 and father in law of plaintiff No.2. He further stated that correct father name of plaintiff No.1 is Said Amin Akbar. During cross examination he stated that his grandfather name is Zerri Gul while plaintiff No.2 have one daughter namely Zainab Bibi and two sons namely Siraj Akbar and Abdul Salam. Nothing contradictory could brought out of him.


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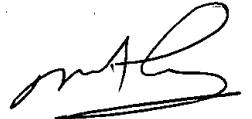
Siraj Akbar (plaintiff No.1) and special attorney for plaintiff No.2, appeared and deposed as PW-03. He stated that his correct father name is Said Amin Akbar. Jan Akbar is his grandfather. He further stated that plaintiff No.2 is his mother and correct husband name of his mother is Said Amin Akbar. Copy of his CNIC is Ex. PW-3/1. Copy of his father CNIC is Ex.PW-3/2. Death certificate of his father is Ex.PW-3/3 while special attorney is Ex.PW-3/4. He lastly requested of decree of suit as prayed for.

During cross examination he stated that he do not know when he obtained his first CNIC. He further stated that Jan Akbar was already include in his NADRA record. One Raheem Akbar along with plaintiff No.1 went to NADRA office and shown me as his brother. Defendants

entered Zerri Gul as husband in the CNIC of plaintiff no. 02, who is actually is his brother. Nothing contradictory has been extract out of him.

Naib Khan Khurrm (SST Gov: High School Jalaka Mela) appeared and deposed as CW-01. He produced Admission & Withdrawal Register. As per Admission & Withdrawal Register the date of birth of plaintiff No.1 is correctly mentioned as 17.04.1994 at serial No. 1814. School leaving certificate is Ex. CW-1/1. During cross examination nothing contradictory has been extract out of him.

Thereafter, evidence of plaintiffs was closed.


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Iftekhhar Ahmad (Representative of NADRA, Orakzai)

appeared as DW-01. He stated that as per Family tree of the plaintiffs the correct parent names of plaintiff no. 01 are Jan Akbar and Dor Marjan and his date of birth is 01.01.1991. He further stated that plaintiff no. 02 has not made husband name in NADRA record. During cross examination he stated that if this Court decree the suit in favor of plaintiffs they have got no objection. According to NADRA SOPs rectification can be made on the biometric of parent of the plaintiffs.

Thereafter, evidence of defendants was closed.

Keeping in view the above discussion, documentary as well as oral evidence available on file, it is held that correct parent's names of plaintiff No.1 is Said Amin Akbar and Mst: Ayata Gula and his correct date of birth is 17.04.1994. Similarly, correct husband name of plaintiff No.2 is Said Amin Akbar. Hence, issue decided in favour of plaintiffs and against the defendants.

ISSUES NO.1 & 3.

In the light of foregoing discussion, plaintiffs have proved their stance through cogent, convincing and reliable documentary and oral evidence, therefore, they have got a cause of action and are entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiffs.

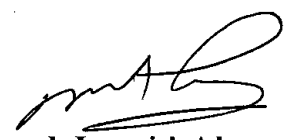
RELIEF:

Crux of my issue wise discussion is that suit of the 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

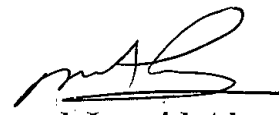
10.03.2025



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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.



Muhamad Junaid Alam
Civil Judge-II, Kalaya, Orakzai