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**IN THE COURT OF IJAZ MAHSOOD, SENIOR CIVIL JUDGE,
ORAKZAI AT BABER MELA**

Suit No.....16/1 of 2025.

Date of Institution.....19.02.2025.

Date of Decision.....18.04.2025.

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Mst. Sartaj Begum w/o Aqid Ali (deceased), R/O
Qoum Bar Muhammad Khel, District Lower Orakzai,
presently R/O Marai Bala, District Kohat.

.....(Plaintiff)

Versus

1. Assistant Director Local Government, Orakzai
2. Secretary Union Council Lower Orakzai

..... (Defendants)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGMENT

18.04.2025

This judgment decides instant case filed by Mst. Sartaj Begum for cancellation of death certificate of deceased Aqid Ali issued by defendants.

Pleadings:

The claim as related in the plaint reads that the deceased husband of the plaintiff owns dual death certificates; she seeks cancellation of the one issued on 30.03.2021 by defendants, Union Council at Orakzai. It is further alleged that,

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[Signature]

when defendants were requested to cancel the death certificate issued on 30.03.2021 extra-judicially, they declined, hence the suit.

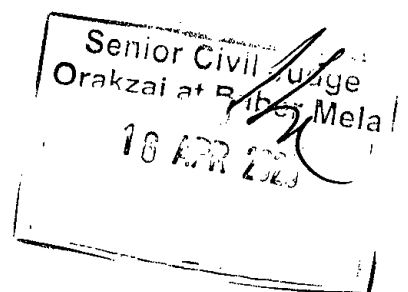
In rebuttal, the representative of defendants has raised no objection to the legal validity of the claim, the standing of the plaintiff, and factual version of the matter. He asserts that he has got no objection if the court pleases to order cancellation of the impugned death certificate.

The controversy as related in the pleadings was distilled into the following issues:

Issues:

1. Whether suit is valid in its legal frame, and the court is competent to hear it?
2. Whether the deceased husband of the plaintiff owns dual death certificates and the one issued within jurisdiction of this court is liable to cancellation?
3. Relief.

Thereafter, both sides were invited to produce their evidence to establish the positions they had taken in their pleadings.



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Witnesses/Exhibits:

Zeeshan Haider, special attorney and son of the plaintiff appeared as PW-01, Arshid Hussain, relative of the plaintiff as PW-02 and Mushtaq Hussain, defendant No. 01 himself and representative for defendant No. 01 as PW-03. They have exhibited the following documents;

- i. Special Power of attorney as Ex.PW-1/1.
- ii. Death Certificate issued on 30.03.2021 as Ex.PW-1/2.
- iii. Death Certificate issued on 27.12.2021 as Ex.PW-1/3.
- iv. Cancelled CNIC of deceased bearing number 21603-4428439-1.
- v. CNIC of deceased in use bearing number 14301-5330830-5.

Reasons/Reasoning:

Issue wise reasoning of the court following ruling on each issue, and finally on the suit is as follows:

Issue No 01:

This issue questions the legal validity of the frame of the suit, and the competence of the forum to hear it. Plaintiff has sought cancellation of death certificate issued on 30.03.2021, which clearly is a civil matter, and thus amenable to the jurisdiction of this court under section 09 of the civil procedure code. Other objections such as limitation etc. were not rigorously pressed, and upon examination of the corpus of the case by the

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court, were found inapplicable. Therefore, the issue is decided for the plaintiff.

Issue No 02:

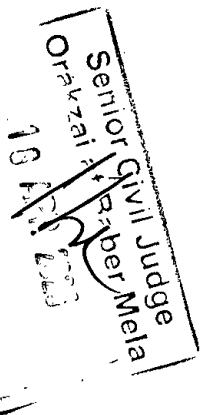
4. This issue houses the heart of the suit: Whether the impugned death certificate is liable to be cancelled in favor of the plaintiff?

Mr. Zeeshan Haider, special attorney took the stand as PW-01. He concedes that plaintiff is his real mother and repeated the same story as in the plaint. He further alleged that the deceased was dual CNIC holder bearing numbers 21603-4428439-1 and 14301-5330830-5 and they have already cancelled the CNIC bearing number 21603-4428439-1 issued by NADRA authorities of District Orakzai and seeking cancelation of death certificate issued on 30.03.2021 by defendants.

Mr. Arshid Hussain s/o Hikmat Ali took the stand as PW-02 and supported the stance of the plaintiff.

Defense's only witness concedes that he has got no objection over the decree of the suit rather they only require court decree for cancellation of the said death certificate.

During the course of evidence, record of CNICs of the deceased Aqid Ali was requisitioned from NADRA authorities which they produced accordingly. To this extent, statement of



representative of NADRA, Orakzai was recorded wherein it is established that CNIC bearing number 21603-4428439-1 has been surrendered/cancelled and CNIC bearing number 14301-5330830-5 is retained.

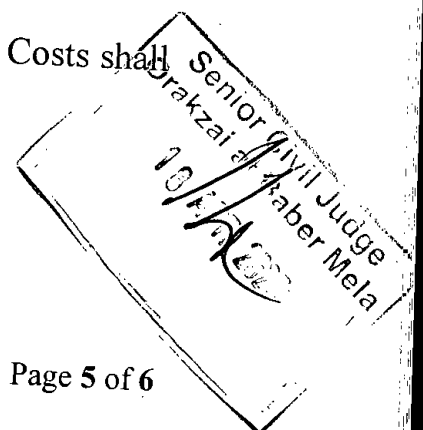
To sum up, deceased husband of the plaintiff acquired two CNICs, one from Kohat and one from Orakzai. His legal heirs accordingly acquired two death certificates. Now, purportedly, while processing his pension documents, the death certificate issued at Orakzai is causing hindrance. NADRA has already verified the cancellation of the CNIC issued at Orakzai.

Defendant concedes that the death certificate issued by them could be cancelled at the court's behest.

The court in view of the foregone is inclined to order cancellation of impugned death certificate to facilitate the legal heirs of the deceased in receipt of pension. Issue is decided for the 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. *Defendants shall cancel death certificate issued on 30.03.2021 of deceased Aqid Ali s/o Muhammad Ali.* Costs shall follow the event.



(41)

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

ANNOUNCED

18.04.2025


(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)

CERTIFICATE

It is certified that this judgment consists of 06 (six) pages.

Each page has been dictated, read, corrected and signed by me.


(Ijaz Mahsood)
Senior Civil Judge,
Orakzai (at Baber Mela)