

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

Suit No.....38/1 of 2025.

Date of Institution.....29.05.2025.

Date of Decision.....22.07.2025.

= = = = =

Mst. Khail Zar Jana d/o Fazal Badshah w/o Sabir Shah,
R/O Qoum Mamozai, Tappa Sepoy, Tehsil Upper, District
Orakzai.

.....(*Plaintiff*)

Versus

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

..... (*Defendants*)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGMENT

22.07.2025

This judgment decides instant case filed by Mst. Khial Zar Jana for correction of her parentage in her record as maintained by the defendants.

Pleadings:

Senior Civil Judge
Orakzai
Mela
[Signature]

The claim as related in the plaint reads that correct name of the father of the plaintiff is Fazal Badshah and that of her mother is Sawab Jana while the defendants have erroneously

22

recorded the same as Saleem Khan and Noor Mewa respectively.

It is further alleged that when defendants were requested to rectify the mistake extra-judicially, they declined, hence the suit.

In rebuttal, the defendants through representative have raised the regular objections to the legal validity of the claim, the standing of the plaintiff, and factual version of the matter. He asserts that birth dates and addresses were supplied by parents of the plaintiff their-self and are recorded correctly.

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 correct names of the parents of the plaintiff are Fazal Badshah (father) and Sawab Jana (mother) while the defendants have wrongly entered their names as Saleem Khan and Noor Mewa respectively?
3. Relief.

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

Senior Civil Judge
Orakzai District
pleadings.
Mela

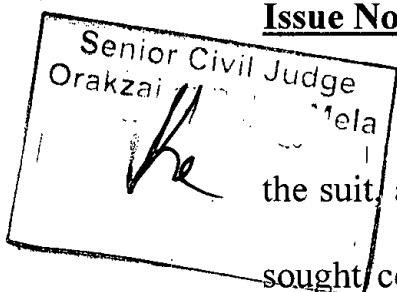
Witnesses/Exhibits:

Mr. Fazal Rehman s/o Khaistan Shah, special attorney of the plaintiff appeared as PW-01, Mr. Islam Din s/o Ghazi Marjan appeared as PW-02, Mr. Muhammad Zubair s/o Ghazi Marjan appeared as PW-03 and Mr. Iftikhar Ahmad, representative of the defendant as DW-01. They have exhibited the following documents;

- i. Special power of attorney as Ex.PW-1/1.
- ii. Death certificates of the parents of the plaintiff are Ex.PW-1/2 and Ex.PW-1/3.
- iii. Copy of CNIC of the plaintiff as Ex.PW-1/4.
- iv. Copy of CNIC of PW-02 as Ex.PW-2/1.
- v. Copy of CNIC of PW-03 as Ex.PW-3/1.
- vi. Copy of CNIC of PW-04 as Ex.PW-4/1
- vii. Family Trees of the plaintiff as Ex.DW-1/1 and Ex.DW-1/2.

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 correction of records in respect of her parentage, which


(40)

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

Issue No 02:

This issue houses the heart of the suit: correct parentage of the plaintiff. It is claimed that that correct parentage of the plaintiff is Fazal Badshah (father) and Sawab Jana (mother) while the defendants have erroneously recorded the same as Saleem Khan and Noor Mewa respectively.

Mr. Fazal Rehman s/o Khaistan Shah, special attorney of the plaintiff, took stand as PW-01 who repeated the contents of the plaint. Mr. Islam Din took stand as PW-02. He supported the stance of the plaintiff. Mr. Muhammad Zubair took stand as PW-03, who also supported the stance of the plaintiff.

Senior Civil Judge
Orakzai District Mela


The key witness in the set of witnesses for plaintiff is Mr. Jalal son of Mr. Fazal Badshah. He took the stand as witness no 04, and admitted the claim and position of the plaintiff. It is noteworthy that he is son of the parents, the plaintiff is claiming

41

as her own. So, essentially, Mr. Jalal is welcoming return of the plaintiff to his family in official records.

Defense's only witness concedes that according to family tree, parents' names of the plaintiff are Saleem Khan and Noor Mewa but admitted in his cross-examination that parents and siblings of the plaintiff have not been mentioned in the family tree.

It has been established that parents' names of the plaintiff have been wrongly entered by the defendants.

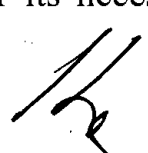
In view of the discussion above, the issue is decided for the plaintiff.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her favor against the defendant as prayed for. *The correct name of the father of the plaintiff is declared as Fazal Badshah and that of her mother is Sawab Jana.* Defendants are advised to bring their records in line with this judgment. Costs shall follow the event.

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

ANNOUNCED
22.07.2025



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

(42)

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)