

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

Suit No.....112/1 of 2025.

Date of Institution.....28.07.2025.

Date of decision.....19.08.2025.

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Toor Khan S/O Ahmad Akram R/O Qaum Bezot, Qambar
Khel, Tehsil Lower District Orakzai(Plaintiff)

Versus

1. NADRA through Chairman NADRA, Islamabad.
2. Director General NADRA Hayat Abad, Peshawar.
3. NADRA through Assistant Director District Orakzai.
4. NADRA through General Manager Kalaya Orakzai.

.....(Defendants)

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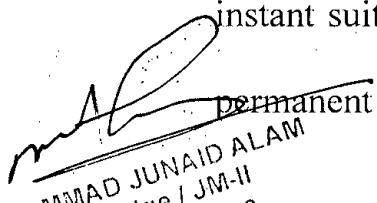
SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Judgement:

19.08.2025

Through this judgement this court is going to dispose of the instant suit filed by plaintiff against the defendants for declaration cum-permanent injunction.


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

Brief facts of the case are that plaintiff brought the instant suit for declaration cum-permanent injunction to the effect that correct name of plaintiff is **Toor Khan**, however; it is wrongly entered in the record of defendants as **Aman Ullah Khan** which is wrong, illegal and ineffective upon the rights of plaintiff 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 written statement. In the written statement the defendants have raised several legal and factual objections.

From divergent pleadings of the parties, the followings issues were framed for adjudication of real controversy between the parties.

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct name of plaintiff is Toor Khan while defendants have incorrectly entered the same as Aman Ullah Khan? OPP
3. Whether plaintiff is 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 evidence.

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.

My issue wise findings are as under: -

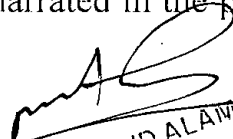

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ISSUE NO.02.

During course of recording evidence, plaintiff in support of his claim and contention himself appeared and deposed as PW-01 and reiterated the averments of plaint. He stated that his correct name is Toor Khan which is correctly recorded in his Passport and CNIC. He further stated that he did not like his name Toor Khan and changed his name from Toor Khan to Aman Ullah Khan and obtained new CNIC in the name of Aman Ullah Khan. Later on, he realized that it is very difficult for him to change his name, as Toor Khan is recorded in his abroad documents i.e. passport and other documents. He lastly requested for decree of suit in his favor. Copy of his CNIC is Ex.PW-1/1.

During cross examination he stated that he obtained his first CNIC in the year 2014, which is still in his possession. He obtained passport in the year 2016. After 02/03 months of obtaining passport he obtain his second CNIC. Self-stated that in the year 2022 for obtaining new CNIC he changed his name on stamp paper and he thumb impress on stamp paper. He visit abroad on his old name "Toor Khan". After changing his name from Toor Khan to Aman Ullah Khan he has not getting his visa.

Shah Jehan cousin of plaintiff appeared and deposed as PW-02. He supports the stance of plaintiff as narrated in the plaint. Copy of his CNIC is Ex.PW-2/1.


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During examination he stated that plaintiff is his cousin. Plaintiff have three sisters and four brothers. It is correct that plaintiff visit abroad.

Ijaz ul Haq brother of plaintiff appeared and deposed as PW-03. He also supports the stance of plaintiff as narrated in the plaint. Copy of his CNIC is Ex.PW-3/1.

During cross examination he stated that plaintiff is his real brother and he is younger than him. It is correct that his old name is Toor Khan. It is incorrect that plaintiff visit abroad in the name Aman Ullah Khan.

Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced registration form of plaintiff is Ex. DW-1/1 and affidavit Ex. DW-1/2. He stated that plaintiff has changed his name Toor Khan on 05.12.2022. Plaintiff submit affidavit to change his name from Toor Khan to Aman Ullah Khan in registration form and he thumb impressed the same. NADRA issued CNIC to plaintiff with particular i.e. in the name of Aman Ullah Khan as per information provided by plaintiff. As per NADRA SOPs plaintiff cannot obtained his old name nor to changed his name twice. He lastly requested for dismissal of suit of plaintiff.

During cross examination he stated that it is correct that due different name in the CNIC and Passport plaintiff faced difficulty. It is correct that if court decreed in favor of plaintiff they will follow the order.


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Claim of plaintiff is that his true and correct name of plaintiff is **Toor Khan**, but defendants have incorrectly recorded the same as **Aman Ullah Khan** in their record, which is wrong and liable to be rectified. Oral evidence produced by plaintiff supportive to the averments of plaintiff. Defendants failed to establish that the exhibited record in favor of plaintiff is managed or manipulated one. Plaintiff is a young person and could not be presumed to have instituted the suit for any undue advantage or ulterior motive. Plaintiff produced cogent, convincing and reliable documentary as well as oral evidence in support of his claim and contention.

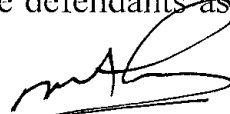
Keeping in view the above discussion and documentary as well as oral evidence available on file, it is held that correct name of plaintiff is **Toor Khan**, which is also recorded in his old CNIC. Issue decided accordingly.

ISSUES NO.1 & 3.

In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and reliable documentary and oral evidence; therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

RELIEF.

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in his favor against the defendants as prayed for. No



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order as to costs. This decree shall not affect the rights of any other person interested, if any or service record of plaintiff, if any.

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

ANNOUNCED
19.08.2025



Muhammad Junaid Alam
Civil Judge-II Tehsil Court Kalaya

CERTIFICATE

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.



Muhammad Junaid Alam
Civil Judge-II, Tehsil, Kalaya