

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

Suit No.....104/1 of 2025.

Date of Institution.....21.07.2025.

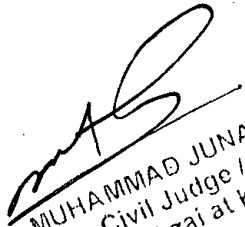
Date of decision.....03.09.2025.

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Saif Ullah Khan S/O Daryab Khan R/O Qaum Feroz Khel, Tappa  
Qasim Khel, Jalaka Mela, Lower District Orakzai .....(Plaintiff)

Versus

1. Chairman NADRA Islamabad.
2. DG NADRA Peshawar.
3. AD NADRA Orakzai.

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

.....(Defendants)

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**SUIT FOR DECLARATION & PERMANENT INJUNCTION.**

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Judgment:

03.09.2025

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

Brief facts of the case are that plaintiff brought the instant suit for declaration cum-permanent injunction to effect that correct name of plaintiff is **Saif Ullah Khan**, however; it is wrongly entered in the record of defendants as **Safi Ullah** 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 Saif Ullah Khan while defendants have incorrectly entered the same as Safi Ullah? 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: -

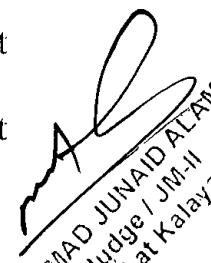
**ISSUE NO.02.**

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 he is 71/72 year old.

He got pension from levy police. Old CNIC is Ex.PW-1/1 and new CNIC is Ex.PW-1/2. When he retired, name of plaintiff mistakenly recorded in English as Safi Ullah in service record. In Urdu it was recorded as (سیف اللہ خان). However, levy department inadvertently recorded his name in English as Safi Ullah. Copy of service book consist of 03 pages is Ex.PW-1/3. He further stated that he recruits in the name of Saif Ullah Khan and still get his pension on the same name. Bank account cheque is Ex.PW-1/4 where Saif Ullah Khan is correctly mentioned on the cheque. Other bank documents is Ex.PW-1/5 consist of 04 pages. He has 09 children. Saif Ullah Khan is correctly mentioned in children CNIC and school record. He lastly requested for decree of suit. During cross examination he stated that he obtained CNIC before 4/5 year ago. He stated that he is illiterate. He did not know about changing his name on stamp paper. Obtaining CNIC no one from his neighbor or witnesses were present in the office of NADRA. He further stated that he is getting his pension in the name of Saif Ullah Khan. Correction of the spelling in the office of levy has been made, that's why, bank department gave him pension in the name of Saif Ullah Khan. He further stated that affidavit which was in possession of NADRA department, he did not know about the same as he is illiterate.

Zarfil Ahmad son of plaintiff appeared and deposed as PW-02

He stated that we are 09 brother/sister. He further stated that Saif Ullah Khan also correctly recorded in the column of husband in


  
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CNIC of his mother. Saif Ullah Khan also correctly mentioned in his school documents as well as in service record. Copy of his CNIC is Ex. PW-2/1. He lastly requested of decree of suit of plaintiff as prayed for. During cross examination he stated that he is still in service and he did not know that whether his father changed his name or not? He further stated that his father name as correctly mentioned in his CNIC as Saif Ullah Khan.

Hazrat Khan, nephew of plaintiff appeared and deposed as PW-03. He stated that plaintiff is retired from levy. Plaintiff has 09 children and plaintiff get his pension in the name of Saif Ullah Khan. Copy of her CNIC is Ex. PW-3/1. Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produced registration form of plaintiff Ex. DW-1/1 and affidavit for the purpose to change name is Ex. DW-1/2. That plaintiff changes his name from Saif Ullah Khan to Safi Ullah Khan in the year 2021. Plaintiff himself submitted affidavit for the purpose to change his name. As per NADRA SOPs 2<sup>nd</sup> time change is not permitted. He lastly requested for dismissal of suit of plaintiff. During cross examination he stated that service record of plaintiff is not annexed with the stamp paper. It is correct that plaintiff getting his pension from the bank in the name of Saif Ullah Khan.

Claim of plaintiff is that his true and correct name is **Saif Ullah Khan**, but defendants have incorrectly recorded the same as **Safi Ullah Khan** in their record, which is wrong and liable to be

  
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rectified. Plaintiff produced documents his pension and bank documents. As per which name of plaintiff is correctly recorded as Saif Ullah Khan. Oral evidence produced by plaintiff is also supportive to the averments of plaint. Defendants failed to establish that the exhibited record in favor of plaintiff is managed or manipulated one. 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 **Saif Ullah Khan**, which is also recorded in his pension and bank documents. 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 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.

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

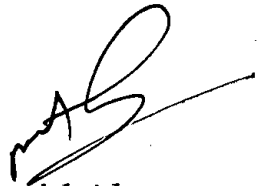
**ANNOUNCED**  
03.09.2025.



**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**