

**IN THE COURT OF NOOR UL HAQ
CIVIL JUDGE-II, TEHSIL COURT, KALAYA**

Suit No.....34/1 of 2026.

Date of Institution.....09.06.2026.

Date of decision.....08.07.2026.

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Mst: Shama Bibi W/O Mashal Khan R/O Qaum Feroz Khel, Tappa
Qimat Khel, Jalaka Mela Tehsil Lower District Orakzai(Plaintiff)

Versus

1. NADRA through chairman Islamabad.
2. NADRA through DG, Peshawar Khyber Pakhtunkhwa.
3. NADRA through AD, District Orakzai.

.....(Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Judgment:

08.07.2026

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 mother name of plaintiff is **Stori Jan** and correct date of birth of plaintiff is **01.01.1979**, however; defendants have incorrectly entered mother name of plaintiff as **Shor Bibi** and date of birth of plaintiff as **03.12.1968** resulting into unnatural age of about 08 years between plaintiff and her mother namely Stori Jan whose date of birth is 01.01.1960 which are wrong, illegal and

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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. Defendants No.1 to 03 marked their attendance through representative and contested the suit by filing written statement. In the written statement representative of defendant No.1 to 03 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 mother name of plaintiff is **Stori Jan** and correct date of birth of plaintiff is **01.01.1979**, however; defendants have incorrectly entered mother name of plaintiff as **Shor Bibi** and date of birth of plaintiff as **03.12.1968**? 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 counsel for plaintiff and contesting defendants 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, mother of plaintiff appeared and deposed as PW-01. She stated that her name is Stori Jan and her husband name is Mem Ullah Hassan and belong to Qoum Feroz Khel, Lower Orakzai. She further stated that she has 04 daughters and 06 sons and their names are Anar Badshah, Sabeel Khan, Janab Khan, Ahmd Khan, Muhammad Riaz, Muhammad Karim, Shama Bibi, Asia Bibi, Rustam Bibi and Alam Bibi. Shama Bibi is her real daughter and her date of birth is 01.01.1979. Father name of Shama Bibi is Mem Ullah Hassan. Defendants have inadvertently written mother of plaintiff as Shor Bibi and date of birth of plaintiff as 03.12.1968. Copy of her CNIC is Ex.PW-1/1. Her date of birth recorded as 01.01.1960. During cross examination she stated that she does not know when plaintiff obtained her CNIC. She further stated that Shama Bibi is her real daughter.

Ahmad Khan, brother of plaintiff appeared and deposed as PW-02. He stated that his name is Ahmad Khan, his father name is Mem Ullah Hassan, his mother name is Stori Jan and Shama Bibi is his real sister. Husband name of plaintiff is Mishal Khan. Defendants have incorrectly entered mother name of plaintiff is Shor Bibi. Copy of his CNIC is Ex.PW-2/1. During cross examination he stated that his mother name is Stori Jan and father name is Mem Ullah Hassan. He further stated that he did not know Shor Bibi. Self-stated that Stori Jan is his real mother. Husband name of plaintiff is Mishal Khan.

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Shama Bibi herself appeared and deposed as PW-03. She stated that Stori Jan is her real mother and Mem Ullah Hassan is her real father. She further stated that her date of birth as per NADRA record is 03.12.1968 and her mother date of birth is 01.01.1960 resulting into unnatural age difference about 08 years. Shor Bibi was inadvertently written as her mother. Copy of her CNIC is Ex.PW-3/1.

The witness has been cross examined. During cross examination she stated that she did not know when CNIC was obtained. During obtaining CNIC she brought CNIC of her husband and father. She did not bring Birth Certificate to the Office of NADRA. It is incorrect that Shor Bibi is her mother.

Thereafter, evidence of plaintiff was closed.

Iftekhhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He produce family tree of plaintiff is Ex.DW-1/1 & Ex.DW-1/2, NADRA registration form is Ex.DW-1/3 and copies of CNICs are Ex.DW-1/4 & Ex.DW-1/5. As per NADRA record date of birth of plaintiff is 03.12.1968 and mother name of plaintiff is Shor Bibi. As per NADRA SOPs for changing name of parent brother or sister were necessary to perform biometric. He lastly requested for dismissal of suit of plaintiff.

During cross examination he stated that today mother of plaintiff namely Stori Jan is present before the court who is fit and mentally balanced. It is also correct that Mem Ullah Hassan is mentioned as father of plaintiff in his family tree.

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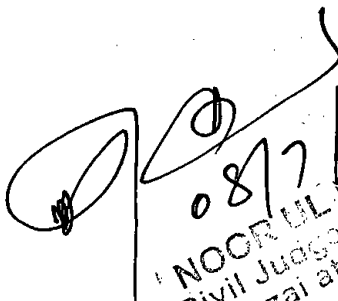
Claim of plaintiff is that her true and correct date of birth as **01.01.1979** and mother name is **Stori Jan**, but defendants have incorrectly recorded date of birth of plaintiff is **03.12.1968** and mother name is **Shor Bibi** in their record, which is wrong and liable to be rectified. Oral evidence produced by plaintiff is also supportive to the averments of plaintiff. Defendants failed to establish that the exhibited record in favor of plaintiff is managed or manipulated one. Moreover, there is unnatural age difference of about 08 years between plaintiff and her mother namely Stori Jan. Mother of plaintiff namely Stori Jan appeared before the court and recorded her statement as PW-01 which support claim and contention of plaintiff. Plaintiff produced cogent, convincing 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 date of birth of plaintiff is **01.01.1979** and mother name is **Stori Jan**. Issue decided accordingly.

ISSUES NO.1 & 3.

In the light of foregoing discussion, plaintiff has proved her stance through cogent, convincing and oral evidence; therefore, she 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.


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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. 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.

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

ANNOUNCED

08.07.2026.


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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.


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