

11

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

Suit No.....15/1 (neem)of 2024
Date of Institution..... 18.02.2025
Date of Restoration..... 09.05.2025
Date of Decision..... 20.05.2025

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**Mst. Hadi Gula w/o Ashraf Khan, R/O Qoum Ali Khel,
Tappa Shah Wali Nawasi, Tehsil Upper, District Orakzai.**

.....(*Plaintiff*)

Versus

Assistant Director NADRA, District Orakzai

Through Representative

..... (*Defendant*)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGMENT

20.05.2025

This judgment decides instant case filed by Mst. Hadi Gula for rectification in FRC by removal/omission of Mst. Shazia Bibi from list of her children as maintained by the defendant.

Pleadings:

Facts as recounted in the plaint reads that husband of the plaintiff died on 10.10.2008 and defendant has inserted her granddaughter, Mst. Shazia Bibi, as her daughter. She contends that correct date of birth of Mst. Shahzia Bibi is 01.01.2020 and correct names of her parents are Mr. Ihsan Ullah and Mst. Laila

Senior Civil Judge
Orakzai at Baber Mela
20 MAY 2025

Bibi while defendants have erroneously entered her name in FRC of the plaintiff after 12 years of death of her husband; hence, the suit.

In rebuttal, the representative of defendant has raised the regular objections to legal validity of the claim, the standing of the plaintiff, and factual version of the matter. He asserts that on 24.05.2021, Form "B" of Mst. Shahzia Bibi has been issued by NADRA at the instance of plaintiff herself and she has made biometric verification in this regard which is duly attested by Eid Muhammad, Headmaster of GMS, Ghozgarhi. That the plaintiff has received compensation amount of Rs. 12500/- in the name of Mst. Shahzia Bibi from Government of Pakistan through Sada-e-Aman scheme and requested for dismissal of the suit. He concludes that the entries in the record are truthfully based on the information supplied by plaintiff herself.

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 plaintiff is not the mother of the one Shazia Bibi?*
3. *Relief.*

Senior Civil Judge
Orakzai at Pabbar Mela
20 MAY 2023

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

Witnesses/Exhibits:

Nasir Khan s/o Qasim Khan, special attorney appeared as PW-01, Azeem Khan s/o Ashraf Khan appeared as PW-02, Ihsan Ullah as PW-03, Mst. Hadi Gula, the plaintiff herself as PW-04, Mst. Laila Bibi, mother of Shazia Bibi as PW-05 and Iftikhar Ahmad, representative for defendant as DW-01. They have exhibited the following documents;

- i. Special power of attorney as Ex.PW-1/1.
- ii. Copy of CNIC of PW-01 as Ex.PW-1/2.
- iii. Death certificate of husband of the plaintiff as Ex.PW-1/3.
- iv. Copy of CNIC of the plaintiff as Ex.PW-2/1.
- v. Copy of CNIC of PW-02 as Ex.PW-2/2.
- vi. Copy of CNIC of PW-03 as Ex.PW-3/1.
- vii. Form "B" of Mat. Shahzia Bibi as Ex.PW-3/2.
- viii. Family Trees as Ex.DW-1/1 and Ex.DW-1/2.
- ix. Details of Sada-e-Aman scheme regarding payment as Ex.DW-1/3 and Ex.DW-1/4.
- x. NADRA registration forms as Ex.DW-1/5 and Ex.DW-1/6.

Senior Civil Judge
Orangi
20 MAY 2025

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 in FRC by omission/removal of the name Mst. Shahzia Bibi 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 court, were found inapplicable. Therefore, the issue is decided for the plaintiff.

Issues No 02:

This issue houses the heart of the suit: correction in FRC of the plaintiff. It is claimed that defendant has erroneously entered the name of Mst. Shazia Bibi as her daughter in her FRC record, while she is in fact her granddaughter. That correct names of parents of Mst. Shazia Bibi are Mr. Ihsan Ullah and Mst. Laila Bibi.

Mr. Nasir Khan, special attorney appeared as PW-01 and repeated the contents of the plaint. He further stated that Mst. Shahzia Bibi is the granddaughter of the plaintiff. Mr. Azeem

Khan, son of the plaintiff appeared as PW-02 who supported the stance of the plaintiff by repeating the contents of the plaint. Mr. Ihsan Ullah s/o Ghafoor Khan, who claims to be son in law of the plaintiff and father of Mst. Shahzia Bibi appeared as PW-03 who also supported the stance of the plaintiff.

Mst. Hadi Gula, the plaintiff herself appeared as PW-04 and affirmed that for the sake of children compensation amount, she was misled into entering Shazia Bibi as her daughter. She is repentant of her conduct, and seeks the court's pardon. She requests for a decree of the suit. Mst. Laila Bibi, mother of Mst. Shazia Bibi appeared as PW-05 and verified the contents of the plaint.

Defense's witness concedes that narrated the same story as in his written statement. He requested for dismissal of the suit.

The controversy has become understandable in view of the statement of Mst. Hadi Gula, grandmother of Mst. Shazia. Seemingly, to avail herself of financial package offered by government to minors in tribal districts, the plaintiff got her granddaughter recorded as her daughter.

This rigging of records not only brought an illegal gap between two of her successive children i.e. 30 years, but also changed parentage of the child, Mst. Shazia.

Senior Civil Judge
Orakzai
20 MAY 2023
Raber Mela

Moreover, since husband of the plaintiff had died in 2008, the birth of the child 12 years later from the deceased husband is inconceivable.

Indeed, Man is myopic and is easily lured into falsehood if it offers an immediate benefit.

Considering the socio-economic conditions of the region, the knowledge and sensitivity of the locals towards public records, and the fair and open admission of the plaintiff, the court is inclined to extend a helping hand. 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. Name of Mst. Shazia Bibi be omitted/removed as plaintiff's daughter from her FRC record and be added to her actual parents, after due compliance of codal requirements. Defendant shall bring his record in line with this judgment. Costs shall follow. This decree shall not affect the rights of other persons interested, if any.

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

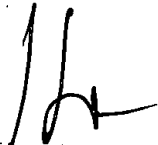
ANNOUNCED
20.05.2025

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

17

CERTIFICATE

It is certified that this judgment consists of 07 pages. Each page has been dictated, read, corrected and signed by me.


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