IN THE COURT OF ZAHIR KHAN
Civil Judge-I, Kalaya, Orakzai

Suit No.....20/1 of 2023.

Date of Institution.....08.05.2023.

Date of Decision.....15.05.2023.

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Azhar Ali S/O Meer Ali R/O Qaum Mani Khel, Tehsil Lower, District Orakzai.....***(Plaintiff)***

Versus

1. Assistant Director NADRA, District Orakzai.

..... ***(Defendant)***

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SUIT FOR DECLARATION & PERMANENT INJUNCTION

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JUDGEMENT
15.05.2023

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Azhar Ali against defendant Assistant Director NADRA, District Orakzai for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that correct mother's name of plaintiff is **Belo** (بیلو) whereas defendant has incorrectly and wrongly entered the same as **Bibi Lal** which entry is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. That defendant was asked time and again to do the needful but in vain, hence the present suit.

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After institution of the suit, defendant was summoned, who marked his attendance through representative and contested the suit by filing authority letter and written statement.

From divergent pleadings of the parties, the following issues were framed for adjudication of real controversy between the parties. The controversial pleadings of the parties were reduced into the following issues:

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct mother's name of plaintiff is Belo instead of Bibi Lal? 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 respective evidence.

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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.

Plaintiff produced two witnesses in support of his claim while defendant produced one witness in defense.

Azhar Ali (plaintiff) himself appeared and recorded his statement as PW-01. He retreated the averments of plaint. Copy of his CNIC is Ex. PW-1/1. FRC is Ex.PW-1/2.

Muhammad Yasir relative of plaintiff appeared and deposed as PW-02. He also supported plea of plaintiff. Copy of his CNIC is Ex. PW-2/1. He lastly requested of decree of suit as prayed for.

Thereafter, evidence of plaintiff was closed.

Nothing contradictory could be brought on record from the statement of PWs.

Muhammad Shafeeq (Representative of NADRA, Orakzai) appeared as DW-01. He produced family tree of plaintiff which is Ex. DW-1/1. He stated that plaintiff has been issued CNIC as per information provided by plaintiff.

Thereafter, evidence of defendant was closed.

The above discussion boils down to my following issue-wise findings.

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ISSUE NO.2

Claim and contention of plaintiff is that correct mother's name of plaintiff is Belo whereas defendant has incorrectly and wrongly entered the same as **Bibi Lal** which entry is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified.

Per Ex.DW-1/1 and Ex.PW-1/2, father's name of plaintiff and Sheenaka is Meer Ali which means that they are brother and sister. Mother's name of Sheenaka (deceased) is Belo. DW-01, categorically admitted in his cross examination that Sheenaka is the sister of plaintiff. It is further admitted by DW-01 that per NADRA record both Belo and Meer Ali have been died and that suit of plaintiff is decreed in favor of plaintiff, he has got no objection.

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, it is held that plaintiff is the son of Belo. Hence, issue decided in favour of plaintiff and against the defendant.

ISSUE NO.1 & 4.

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.

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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 defendant as prayed for. No order as to cost. 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
15.05.2023

Zahir Khan
Civil Judge-I, Kalaya, Orakzai

CERTIFICATE

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.

Zahir Khan
Civil Judge-I, Kalaya, Orakzai