

53

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

Suit No.....33/1 of 2026

Date of Institution..... 05.05.2026

Date of Decision.....12.10.2026

= = = = =

1. Shafi Ullah s/o Muhammad Javid.

2. Arshad Ullah s/o Muhammad Javid

Both R/O Qoum Ali Khel, Sub section Jasrat Khel, P/O
Ghiljo, Tehsil Upper, District Orakzai.

.....(*Plaintiffs*)

Versus

1. Chairman Nadra state Bank of Pakistan Building
Shahrah-e-Jamhoriat Sector G-5 Islamabad.

2. Director General Nadra Hayatabad Phase-5 Peshawar.

3. District Manager Nadra District Orakzai.

4. Assistant Manager Nadra Tehsil Upper District Orakzai

5. District Manager Nadra District Hangu.

6. Assistant Manager Nadra Tehsil Hangu.

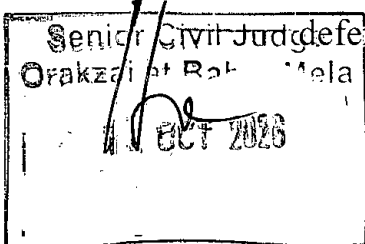
..... (*Defendants*)

SUIT FOR DECLARATION & PERMANENT INJUNCTION

JUDGMENT

12.10.2026

This judgment decides instant case filed by plaintiffs
for correction of their father's name as maintained by the

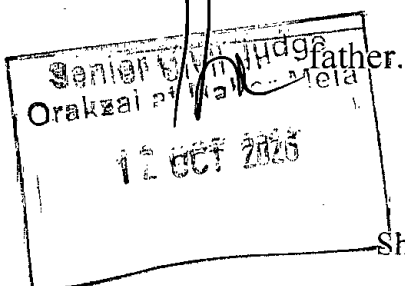


(54)

Pleadings:

Facts as recounted in the plaint reads that the correct name of the father of the plaintiffs is Muhammad Javid, as reflected in Form "B". It is averred that when the plaintiffs approached the office of the defendants for the issuance of their Computerized National Identity Cards (CNICs), they were informed that CNICs had already been illegally obtained by some other persons in the names of the plaintiffs. The plaintiffs further averred that the photographs affixed to the said CNICs were entirely different from their own photographs. It is further pleaded that although the aforesaid CNICs were cancelled, the plaintiffs were not issued their CNICs and were directed to approach the competent court of law. Hence, the instant suit.

In rebuttal, the representative for the defendants raised objections to the plaintiffs' claim and contended that the father of the plaintiffs, Muhammad Javid, had obtained Form "B" in the names of Shafi Ullah and Arshad Ullah. It was further contended that Muhammad Javid, through the NADRA Pak Identity Application, applied for a Smart National Identity Card for Shafi Ullah and verified the biometric particulars in the capacity of his father. Similarly, he applied for a CNIC for Arshad Ullah through the same application and verified the biometric particulars as his



(55)

The representative of NADRA further contended that the application relating to Arshad Ullah was blocked at the facial verification stage, as he had been declared a Proof of Citizenship (POF) case. It was further asserted that Arshad Ullah had been classified as a confirmed alien under the Illegal Foreigners Repatriation Program (IFRP). The defendants maintained that Muhammad Javid had provided Pakistani documents and facilitated the CNIC proceedings in respect of a person classified as a confirmed alien. On these grounds, the defendants sought dismissal of the suit.

The controversy as related in the pleadings was distilled into the following issues:

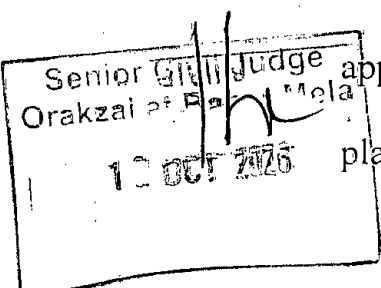
Issues:

1. *Whether suit is valid in its legal frame, and the court is competent to hear it?*
2. *Whether correct father of the plaintiffs is Muhammad Javid?*
3. *Relief.*

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

Witnesses/Exhibits:

Mr. Shafi Ulla Muhammad Javid, the plaintiff No.1 himself appeared as PW-01, Mr. Arshad Ullah s/o Muhammad Javid, the plaintiff No. 2 himself appeared as PW-02, Mst. Rayat Jana w/o



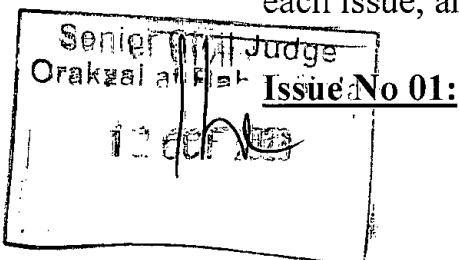
(56)

Muhammad Javid, the mother of the plaintiffs appeared as PW-03, Shamwas Khan s/o Mir Akbar, appeared as PW-04 and representative for defendants appeared as DW-01. They have exhibited the following documents;

- i. Birth certificate of the plaintiff No.1 as Ex.PW-1/1.
- ii. Domicile and form "bay" of plaintiff No.1 as Ex.PW-1/2 and Ex.PW-1/3.
- iii. Domicile and form "bay" of plaintiff No.2 as Ex.PW-2/1 and Ex.PW-2/2.
- iv. Copy of CNIC of PW-03 as Ex.PW-3/1.
- v. Copy of CNIC of PW-04 as Ex.PW-4/1.
- vi. Registration documents of the plaintiffs as Ex. DW-1/1 to Ex. DW-1/7 respectively.
- vii. Family tree and Nadra impounding as Ex. DW-1/8 and Ex. DW-1/9.
- viii. Nadra Registration form of the plaintiffs as Ex. DW-1/10 and Ex. DW-1/11.
- ix. Birth certificate of the plaintiffs as Ex. DW-1/12 and Ex. DW-1/13.

Reasons/Reasoning:

Issue wise reasoning of the court following ruling on each issue, and finally on the suit is as follows:



(57)

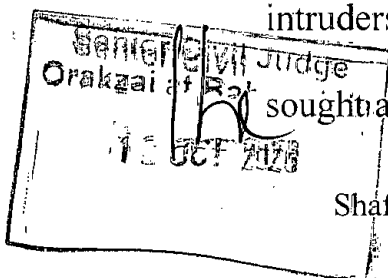
This issue questions the legal validity of the frame of the suit, and the competence of the forum to hear it. Plaintiff has sought correction of his father's name, which clearly is a civil matter, and thus amenable to the jurisdiction of this court under section 09 of the civil procedure code. Other 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.

Issue No 02:

This issue houses the heart of the suit: correct father's name of the plaintiffs. It is claimed that correct father of the plaintiff is Muhammad Javid.

Plaintiff No. 1 appeared as PW-01 and reiterated the contents of the plaint. He stated that Muhammad Javid is his father and that Mst. Rayat Jana is his mother. He further stated that when the plaintiffs approached the office of the defendants for the issuance of their Computerized National Identity Cards (CNICs), they were informed that CNICs had already been illegally obtained by some other persons in the names of the plaintiffs. The plaintiffs further averred that the photographs affixed to the said CNICs were entirely different from their own photographs. He prayed for removal of the entries relating to the intruders who allegedly obtained CNICs in their names and have

sought a decree in their favour, accordingly.



(58)

PW-02, Mr. Arshad Ullah, (plaintiff No.2) reiterated the same facts and circumstances as deposed by PW-01.

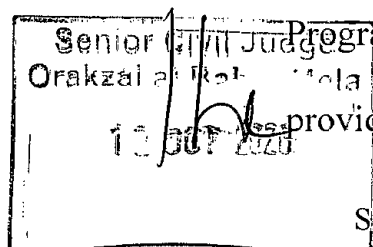
PW-03, Mst. Rayat Jana, mother of the plaintiffs, deposed that the plaintiffs are her sons and that some unknown persons had fraudulently obtained CNICs in their names.

PW-04, Shamwas Khan, reiterated the facts and circumstances narrated in the plaint and supported the stance of the plaintiffs.

Defense's only witness concedes that the father of the plaintiffs, Muhammad Javid, had obtained Form "B" in the names of Shafi Ullah and Arshad Ullah. It was further contended that Muhammad Javid, through the NADRA Pak Identity Application, applied for a Smart National Identity Card for Shafi Ullah and verified the biometric particulars in the capacity of his father.

Similarly, he applied for a CNIC for Arshad Ullah through the same application and verified the biometric particulars as his father. He further stated that the application relating to Arshad Ullah was blocked at the facial verification stage, as he had been declared a Proof of Citizenship (POF) case. It was further asserted that Arshad Ullah had been classified as a confirmed alien under the Illegal Foreigners Repatriation

Program (IFRP). He further stated that Muhammad Javid had provided Pakistani documents and facilitated the CNIC



(59)

proceedings in respect of a person classified as a confirmed alien.

On these grounds, the defendants sought dismissal of the suit.

I have carefully considered the oral and documentary evidence produced by both parties. It is conceded by the defendants that the persons currently enlisted in the family tree of Mr. Javed as his sons, are foreign aliens.

The only hurdle for the plaintiffs in acquisition of CNIC is the presence of these namesake aliens in the family tree of their father. Once their status as aliens is confirmed by the defendants, the court finds no hindrance in directing their removal.

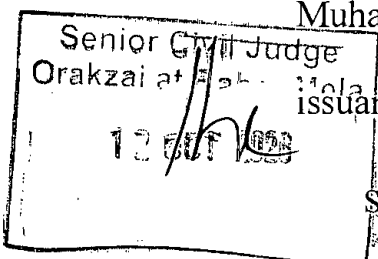
As for the alleged illegalities committed by the father of the plaintiff, some of which might constitute criminal offences, the defendant may seek to initiate criminal proceedings against him before the competent forum.

The issue is decided in these terms that the aliens Mr. Arshad and Mr. Shafi Ullah enlisted as children of Mr. Javed be removed from his family tree. This issue is decided accordingly.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in his favor in the terms that the alleged aliens be removed from the family tree of Mr.

Muhammad Javed. Thereafter, the plaintiffs may apply for issuance of CNICs as per relevant laws in place. The defendants



65

are directed to take necessary steps for correction of their relevant registration records and to process the plaintiffs' applications for issuance of CNICs in accordance with law.

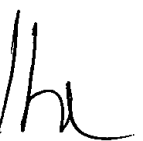
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
12.10.2026


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

CERTIFICATE

It is certified that this judgment consists of 08 pages. Each page has been dictated, read, corrected and signed by me.


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