

**IN THE COURT OF NOOR UL HAQ
CIVIL JUDGE/FAMILY JUDGE-II, KALAYA, ORAKZAI**

Suit No. : 4/FC of 2025.
Date of Institution : 22.10.2025.
Date of Decision : 22.09.2026.

Mst: Qamro Jana W/O Muhammad Nazar, Daughter of Mehmood
khan. 2. Bait Ullah S/O Muhammad Nazar R/O, Qoum Feroz Khel,
Tappa Ghairat Khel, Tehsil Lower, District Orakzai....(Plaintiffs)

VERSUS

Muhammad Nazar S/O Shah Nawaz Khan, R/O Qoum Feroz Khel,
Tappa Ghairat Khel, Tehsil Lower District Orakzai.....(Defendant)

Ex-Parte Order

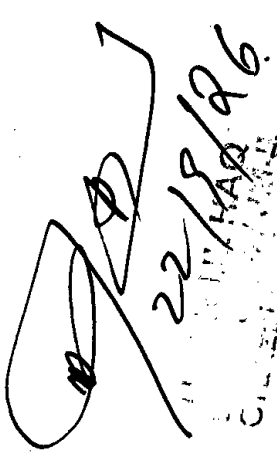
22.09.2026

Plaintiff No.02 present. Ex-parte arguments already heard and
record perused.

Plaintiff namely Mst: Qamro Janan has invoked the jurisdiction
of this Court against the defendant namely Muhammad Nazar praying
for:

P R A Y E R S:

- i. *Recovery of @ 30,000 from year 2010 till disposal of case /-.*
- ii. *Recovery of medical expenses from year 2010 till disposal of
case @ 500,000/-.*
- iii. *Recovery of maintenance allowance for plaintiff No.02 @ Rs.
15,000/- per month from date of institution till disposal of
case.*
- iv. *The plaintiffs have no separate residence of their own and
have been residing since the year 2010 at their parental home
in the house of their brother, Muhammad Khan. The
defendant, after leaving the plaintiffs helpless and without
any support, ousted them from the house, and the plaintiffs
are presently without any accommodation or residence of
their own.*



- v. *The defendant may be directed to accompany Plaintiff No.1 and Plaintiff No.2 to NADRA and facilitate their registration by providing the biometric impression of Plaintiff No.1 for issuance of her CNIC and the biometric impression of Plaintiff No.2 for issuance of Form-B.*

FACTS:

Brief facts of the instant suit are that plaintiff No.1 is the real wife of defendant & plaintiff No.02 is the real son of defendant. That Plaintiff No.1 was married to the defendant in the year 1994, and out of the said wedlock, Allah Almighty blessed them with a daughter, namely Mst. Safeela, and son, namely Bait Ullah. Mst. Safeela has already been married. At the time of birth of Plaintiff No.2, namely Bait Ullah, the defendant left him at the hospital and thereafter refused to take the plaintiffs with him. Since his birth, Plaintiff No.2 has been residing at the house of Muhammad Khan, who is the brother of Plaintiff No.1. Muhammad Khan is the witness that the defendant refused to take the plaintiffs with him. That since the year 2010 till date, the defendant has neither provided nor paid any maintenance, food expenses or other necessary expenses of the plaintiffs, including the educational expenses of plaintiff No.2. All expenses of the plaintiffs, including their food, medical treatment and other necessities, are being borne by Muhammad Khan, which are recoverable from the defendant. Defendant has neither been provided CNIC in respect of plaintiff No.1 nor a Form-B in respect of plaintiff No.2. Due to non-availability of Form-B, the educational career of plaintiff No.2 is being adversely affected, as Form-B is required for registration with the Board

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for Class 9th. That despite repeated requests, the defendant has neither facilitated the issuance of CNIC to Plaintiff No.1 nor accompanied her to the NADRA office for completion of the requisite biometric/registration formalities. It is a fundamental obligation of a father to provide shelter, maintenance and basic necessities to his children. Plaintiff No.2, being deprived of the care and support of his father, is residing with his mother at the house of his maternal uncle, Muhammad Khan, where they are living under circumstances of extreme financial and social hardship. That plaintiffs have repeatedly requested the defendant to fulfil his legal and moral obligations towards them; however, the defendant has failed and refused to accede their requests. Rather, for a considerable period, he has completely declined to provide any maintenance, support or other necessary assistance to the plaintiffs. That defendant was asked time and again but in vain, hence the present suit.

Upon institution of the suit in hand, defendant was summoned, who remained present before the Court on approximately twenty-three dates of hearing and submitted his written statement. Defendant stated in his written statement that, he is willing to take her (plaintiff No.1) back in his life. Furthermore, he is fully prepared to facilitate the issuance of CNIC for plaintiff No.1 and plaintiff No.02 and has never declined or refused to cooperate in the process of obtaining their CNIC and he is ready to take both the plaintiffs back.

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JALAYALAYA



However, when the Court directed the defendant to accompany his wife and son to NADRA for processing of their CNIC/Form-B, the defendant, despite having appeared before the Court on 10.08.2026, subsequently fled from the Court premises. Accordingly, the defendant was proceeded against ex parte.

After submission of list of witnesses, plaintiffs produced three witnesses in support of her claim.

Muhammad Khan, brother of plaintiff No.1 & maternal uncle of plaintiff No.02 appeared and recorded his statement as PW-01. He stated that plaintiff No.1 was married to defendant in 1994, and out of the said wedlock, Allah Almighty blessed them with a daughter, namely Mst. Safeela, and son, namely Bait Ullah. He further stated that when Plaintiff No.2 Bait Ullah was born, the defendant left him at the hospital. Since his birth, plaintiff No.2 has been residing with him. That since the year 2010 till date, the defendant has neither provided nor paid any maintenance, food expenses or other necessary expenses of the plaintiffs, including the educational expenses of plaintiff No.2. All expenses of the plaintiffs, including their food, medical treatment and other necessities, are being borne by him. Furthermore, defendant has neither been provided CNIC in respect of plaintiff No.1 nor a Form-B in respect of plaintiff No.2. Educational career of plaintiff No.2 is being adversely affected due to non-availability of Form-B/CNIC. Copy of his CNIC is Ex.PW-1/1. He lastly requested to decree the suit in favour of plaintiff.

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Sher Dil cousin of plaintiff No.1 appeared and deposed as PW-02. He stated that plaintiff No.1 and defendant have got married in 1994 and out of the said wedlock, Allah Almighty blessed them with one daughter and one son. He further stated that when plaintiff No.02 Bait Ullah born, defendant left him in hospital. Since than plaintiffs are residing with Muhammad Khan (Brother of plaintiff No.1 & maternal uncle of plaintiff No.02). All expenses of the plaintiffs, including their food, medical treatment and other necessities, are being borne by Muhammad Khan. Copy of his CNIC is Ex.PW-2/1.

Mst: Qamro Jana (plaintiff No.1) recorded her statement as PW-03. She stated that she got married with the defendant in the year 1994 after the death of her first husband, namely Yaseen, who was the brother of the defendant. Out of the said wedlock, Allah Almighty blessed the them with a daughter, namely Mst. Safeela Jan, and thereafter, in the year 2010, Bait Ullah (plaintiff No.2) was born. She further stated that since the birth of plaintiff No.2, the defendant has neither made any inquiry about the welfare of the plaintiffs nor bothered to ascertain their circumstances or living conditions. She stated that all the expenses of herself and her son have been borne by her brother Muhammad Khan. She further stated that the defendant left her helpless and without any support at the hospital, whereafter, her brother took her and her son to his house and has since then been bearing all their expenses. All essential requirements and other necessities of life of the plaintiffs are also being

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provided by her brother. It was further stated that since the year 2010 till date, an amount of Rs. 500,000/- has been incurred towards her medical expenses, for which she seeks reimbursement from the defendant. She further claimed maintenance allowance at the rate of Rs.15,000/- per month for plaintiff No.2 with effect from the year 2010. She and her son have no house of their own and have been residing with her brother for the last sixteen years. According to her, the defendant has neither divorced her nor provided maintenance, nor he kept us. The educational expenses of plaintiff No.2 are also being borne by her brother. She further alleged that the defendant has failed to facilitate the issuance of her CNIC as well as the Form-B of plaintiff No.2. Due to the absence of these essential identity documents, the educational career of plaintiff No.2 is being adversely affected. She stated that neither she nor plaintiff No.2 possesses a CNIC to date, owing to which the plaintiffs have been facing considerable difficulties and inconvenience at various stages and in different matters of their daily lives.

Thereafter, ex-parte evidence of plaintiff closed.

Ex-parte arguments from learned counsel for plaintiffs heard. As per claim of plaintiffs, plaintiff No.1 is wife of defendant and plaintiff No.2 is his son. This fact has not been denied by defendant in his written statement. As regards the claim of the plaintiffs for recovery of medical expenses amounting to Rs.500,000/-, it has been pleaded by the plaintiffs that they have incurred medical expenses from the year 2010

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till the disposal of the instant suit. The said claim has been considered in the light of the pleadings, evidence and material available on record. The plaintiffs have consistently maintained that the defendant was under an obligation to provide necessary financial support, including expenses relating to their medical treatment. With regard to the claim for maintenance allowance of Plaintiff No.02 at the rate of Rs. 15,000/- per month from the date of institution of the suit till its disposal, the Court has carefully considered the pleadings and evidence of the parties. Maintenance is a continuing obligation, and where the entitlement of the claimant is established, the same is payable for the period for which such entitlement subsists. Accordingly, Plaintiff No.02 is held entitled to maintenance allowance at the rate of Rs. 15,000/- per month, total amounting to Rs. 28,20,000 from the date of institution of the suit till the date of its disposal.

As regards the claim of plaintiff No.1 that she and plaintiff No.2 have no separate residence and are residing with her brother, it is observed that the defendant, in his written statement, has categorically stated that he has no objection if the plaintiffs return to and resume their matrimonial/family life with him. In view of the said admission, the defendant is under an obligation to provide suitable shelter and residential accommodation to the plaintiffs in case they return to reside with him. Accordingly, this part of the claim is genuine to the extent that, upon the plaintiffs resuming cohabitation with the defendant, the

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defendant is under obligation to provide them with suitable and separate shelter/residential accommodation and ensure their basic residential needs in accordance with law.

Plaintiffs requires the biometric impression of the defendant for processing/issuance of their CNIC/Form-B, whereas the biometric impression of the defendant is required for the registration of plaintiffs and issuance of their CNIC/Form-B. The defendant, being the concerned parent/family member whose thumb impression is required for completion of the NADRA registration process, cannot legitimately withhold such cooperation where the same is necessary for securing the plaintiffs' identity and registration documents. The defendant is, therefore, under obligation to accompany plaintiffs to NADRA and extend all necessary cooperation for completion of their registration process, including provision of his biometric impression for issuance of the CNIC of Plaintiff No.1 and for issuance of Form-B of Plaintiff No.2, as required by NADRA.

So far as claim of the plaintiffs for recovery of an amount of **Rs. 30,000/-** in heading No.1 of the plaint is concerned, no proper reasons of such claim or detail has been given in the plaint. They have also not mentioned, whether such claim is on monthly, yearly basis or otherwise. All the other basic needs have been claimed separately, and this claim does not seem plausible, in presence of other claims. Therefore, this claim is **declined**.

22/9/26
NADRA
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Oral

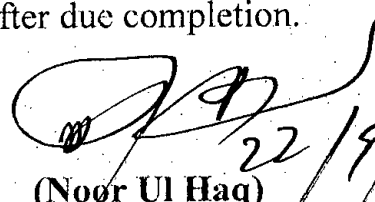
For the reasons discussed above, suit of plaintiffs is **partially decreed** in favour of the plaintiffs to the extent of reliefs sought in Para No. 02, 03 & 05 and Para No.04, while the claim mentioned in Para 1 is **dismissed**, in the following terms:

1. *Recovery of @ 30,000/- from year 2010 till disposal of case is declined;*
2. *Defendant shall pay medical expenses from the year 2010 till disposal of case @ Rs.500,000/-.*
3. *Defendant shall pay maintenance allowance @ Rs.15000/- per month, total amounting to Rs.28,20,000/- to plaintiff No.02 from date of institution till disposal of case;*
4. *Defendant shall provide separate residency to plaintiffs, subject to condition that if, plaintiffs consent for voluntarily residing with defendant;*
5. *Defendant shall accompany plaintiffs to NADRA Office and facilitate their registration by providing the biometric verification for the purpose of issuance of identity card/CNICs/Form B, to plaintiffs.*

Decree sheet be prepared accordingly.

File be consigned to the record room after due completion.

Announced:
22.09.2026


(Noor Ul Haq)
22/9/26,
CJ /Family Judge-II, Tehsil court
Kalaya, Orakzai