

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

Suit No.....71/1 of 2026.

Date of Institution.....27.08.2026.

Date of decision.....23.09.2026.

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Shah Nawaz S/O Muhammad Ashraf Khan R/O Qoum Otman Khel,
Tappa Fateh Khan Khel, Aba Khel District Orakzai(Plaintiff)

Versus

1. NADRA through chairman Islamabad.
2. NADRA through DG, Peshawar Khyber Pakhtunkhwa.
3. Incharge NADRA Registration Centre, Kalaya District Orakzai.

.....(Defendants)

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SUIT FOR DECLARATION & PERMANENT INJUNCTION.

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Judgment:

23.09.2026

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 father name of plaintiff is **Muhammad Ashraf Khan** and correct mother name of plaintiff is **Wara Bibi**, however; defendants have incorrectly entered father name of plaintiff is **Qutab Khan** and mother name of plaintiff as **Wara** which are wrong, illegal and ineffective upon the rights of plaintiff and liable to

(Signature)
23/9/26

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 marked their attendance through representative and contested the suit by filing written statement. In the written statement representative of defendant 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 father name of plaintiff is **Muhammad Ashraf Khan** and mother name of plaintiff is **Wara Bibi** however defendants have incorrectly entered father name of plaintiff as **Qutab Khan** and mother name of plaintiff as **Wara**? 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: -

ISSUE NO.02.

Qutab Khan maternal uncle of plaintiff appeared and deposed as PW-01. He stated that he has eight children, out of which five of his sons namely Meer Dil Khan, Meer Wali, Muhib Ullah, Malak Muhammad and Muhammad Wali and three daughters namely Hanifa Jana, Mahfala Bibi and Yousafa Bibi, however defendants have incorrectly entered Shah Nawaz is his son. Real father name of plaintiff is Muhammad Ashraf Khan and mother name is Wara Bibi. Muhammad Ashraf is the husband of his sister and Wara Bibi is his sister, who are parent of plaintiff. Copy of his CNIC is Ex.PW-1/1. During cross examination he stated that he did not know when Shah Nawaz obtained his first CNIC. He further stated that Shah is the son of his sister and Muhammad Ashraf Khan is his husband.

Muhammad Akram brother of plaintiff appeared and deposed as PW-02. He stated that his correct father name is Muhammad Ashraf Khan and mother name is Wara Bibi, however, defendants have incorrect entered father name of plaintiff as Qutab Khan and mother name as Wara. Copy of his CNIC is Ex.PW-2/1. During cross examination he stated that Shah is younger than him and his mother name is Wara Bibi.

Wara Bibi mother of plaintiff appeared and deposed as PW-03. She stated that plaintiff is her son and Muhammad Ashraf Khan is her husband. Qutab Khan is her brother. Defendants have incorrectly entered her name as Wara and father name of plaintiff as Qutab Khan. She lastly requested to decree suit in favour of plaintiff. During cross examination she stated that she did know when plaintiff

23/9/26

obtained his first CNIC. Self-stated that Muhammad Ashraf Khan is correctly mentioned in CNIC of Muhammad Akram Khan & plaintiff old CNIC as well.

Shah Nawaz, himself appeared and deposed as PW-04. He stated that his correct father name is Muhammad Ashraf Khan and mother name is Wara Bibi. He further stated that he has one brother and five sisters. He further stated that name of Muhammad Ashraf Khan is correctly mentioned in his mother CNIC. Defendant have incorrectly entered father name as Qutab Khan and mother name as Wara. Muhammad Akram Khan is his real brother and name of Muhammad Ashraf Khan is correctly mentioned in CNIC of Muhammad Akram Khan. Copy of his CNIC is Ex.PW-4/1. His father Muhammad Ashraf Khan has been died and copy of death certificate is Ex.PW-4/2. During cross examination he stated he first obtained MNIC and Muhammad Ashraf Khan is correctly mentioned

in his MNIC.

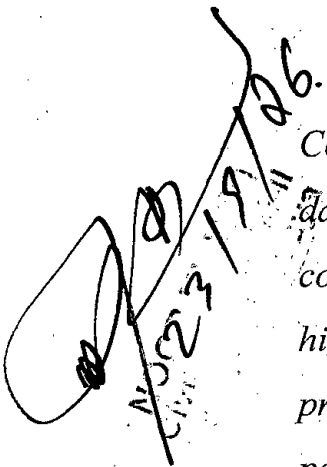
Thereafter, evidence of plaintiff was closed.

Iftekhar 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 as Ex.DW-1/3. As per which father name of plaintiff is Qutab Khan and mother name is Wara. 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 it is correct that name of Muhammad Ashraf Khan is correctly mentioned in CNIC of Wara Bibi. It is also correct that name of Muhammad Ashraf Khan is correctly mentioned in CNIC of Muhammad Akram Khan. It is correct that suit of plaintiff can process as per NADRA SOPs.

Claim of plaintiff is that correct father name of plaintiff is **Muhammad Ashraf Khan** and mother name is **Wara Bibi**, but defendants have incorrectly recorded father name of plaintiff is **Qutab Khan** and mother name is **Wara** 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. Parents of plaintiff appeared before the court and recorded their statement as PW-03 & PW-04 which support claim and contention of plaintiff.

PLD 2003 SUPREME COURT PAGE 849:

 "Wherein it has been mentioned by the Honorable Supreme Court of Pakistan that the best evidence to prove this fact (age or date of birth) was of those people who would have an ordinary course of life having personal knowledge. Statement of mother is at high pedestal as compared to other as she has given birth to him." In present case, the mother of the plaintiff is in good position having personal knowledge to tell the correct date of birth of the 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 father

name of plaintiff is **Muhammad Ashraf Khan** and mother name is **Wara Bibi**. Issue decided accordingly.

ISSUES NO.1 & 3.

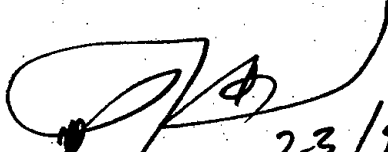
In the light of foregoing discussion, plaintiff has proved his stance through cogent, convincing and oral evidence; therefore, he has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

RELIEF.

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in his 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.

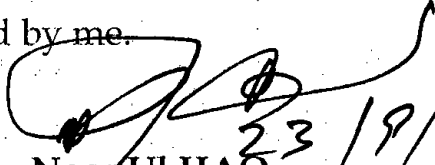
File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
23.09.2026.


Noor Ul Haq
Civil Judge-II Tehsil Court
Kalaya Orakzai

CERTIFICATE

It is certified that this judgment consists of 06 pages. Each page has been dictated, read, corrected and signed by me.


Noor Ul Haq
Civil Judge-II, Tehsil Court
Kalaya Orakzai