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

Suit No.....47/1 of 2026.

Date of Institution.....29.06.2026.

Date of decision.....27.10.2026.

= = = = = = = = = = = = = = =

Hassan Bibi W/O Hashmat Ullah R/O Qoum Mishti, Tappa Haider Khel, Ibrahimzona Tehsil Central District Orakzai.....*(Plaintiff)*

Versus

1. NADRA through chairman Islamabad.
2. NADRA through DG, Peshawar Khyber Pakhtunkhwa.
3. NADRA through AD, District Orakzai.

.....*(Defendants)*

==========

SUIT FOR DECLARATION & PERMANENT INJUNCTION.

==========

Judgment:

27.10.2026

Through this judgement this court is going to dispose of the instant suit filed by plaintiff against the defendants for declaration cum-permanent injunction.

NOOR UL HAQ 27.10.26
Civil Judge-II
Orakzai at Kalaya.

Brief facts of the instant suit are that, the husband name of plaintiff is Hashmat Ullah and plaintiff have five daughters and one son. That the plaintiff's husband has been missing for a considerable period, and the plaintiff intends to obtain a Computerized National Identity Card (CNIC) for herself. However, defendants are refusing to issue the CNIC to the

plaintiff, thereby depriving her of her lawful right. 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 defendants 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 plaintiff is entitled for obtaining fresh CNIC as her husband is missing for considerable period? 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: -

Noor ul Haq
Civil Judge / JM-II
Orakzai at Kalaya

ISSUE NO.02.

During course of recording evidence, plaintiff herself appeared and recorded her statement as PW-01. She stated that she is the wife of Hashmat Ullah and she have five daughters and one son. She further stated that her husband is missing for considerable period and she want to obtain her CNIC, however, defendants refused to issue CNIC. Her father name is Meenat Khan. His passport is Annexure-A. Her Nikah Nama is Ex.PW-1/1. Father of plaintiff has died and her mother real name is Seli Marjan. That after the death of her father, her mother got married with Saim Ullah Khan, who has also passed away. Death certificate of Saim Ullah Khan is Ex.PW-1/2, death certificate of Meenat Khan is Ex.PW-1/3 and her birth certificate is Ex.PW-1/4. She lastly requested for decree suit in her favour.

During cross examination she stated that her father is Meenat Khan and mother name is Seli Marjan. She further stated that she did not know when her father had died, however, she heard from someone that, at that time her age was 03 years. She further stated that after the death of her father, her mother got married to her uncle.

Sali Marjan, mother of plaintiff appeared and deposed as PW-02. She stated that her daughter got married to Hashmat Ullah. She further stated that she was previously married to Meenat Khan and after death of Meenat Khan she got married to Saim Ullah Khan. Plaintiff is her real daughter. Copy of her CNIC is Ex.PW-2/1.

Noor Ul Huda 26
Civil Judge / JM-II
Orakzai at Kalaya

During cross examination she stated that she was previously married to Meenat Khan. Plaintiff is the daughter of late Meenat Khan. She further stated that she got married to Saim Ullah Khan after death of her first husband.

Qamar Gul, maternal uncle of plaintiff appeared and deposed as PW-03. He stated that father name of plaintiff is Meenat Khan and mother name is Seli Marjan and husband of plaintiff is Hashmat Ullah. Copy of his CNIC is Ex.PW-3/1.

During cross examination he stated that Seli Marjan is his sister and plaintiff is his niece. He further stated that father name of plaintiff is Meenat Khan. After death of Meenat Khan, Sali Marjan got married to Saim Ullah Khan.

Thereafter, evidence of plaintiff was closed.

Iftekhar Ahmad (Representative of NADRA) appeared and deposed as DW-1. He stated that plaintiff did not submit any application for issuance of new CNIC. Similarly, plaintiff is attempting to obtain a CNIC without fulfilling the legal requirements and formalities prescribed under the applicable law and NADRA SOPs. He further stated that if plaintiff fulfill her legal requirements, defendants are willing to process the plaintiff's application for issuance of a CNIC. Therefore, it is respectfully prayed that the plaintiff may be directed to approach the NADRA office for completion of the requisite procedure.

NOOR ul HAQ
Civil Judge / JM-II
Orakzai at Kalaya

36

During cross examination he stated that It is correct that today plaintiff and her mother is present before the court. He further stated that it is correct that Meenat Khan as a father and Seli Marjan as a mother is correctly mentioned in the birth certificate of plaintiff. It is also correct that father name of plaintiff Meenat Khan is mentioned in her Nekah Nama.

Claim of plaintiff is that after the missing of her husband defendants did not issue fresh CNIC. Oral evidence produced by plaintiff is also supportive to the averments of plaint. Defendants failed to establish that the exhibited record in favor of plaintiff is managed or manipulated one. Moreover, Nekah Nama and birth certificate also support claim of plaintiff.

Plaintiff produced cogent, convincing as well as oral evidence in support of her claim and contention.

Keeping in view the above discussion and documentary as well as oral evidence available on file, it is held that defendants are directed to process fresh CNIC of plaintiff. Issue decided accordingly in favour of plaintiff.

ISSUES NO.1 & 3.

In the light of foregoing discussion, plaintiff has proved her stance through cogent, convincing and oral evidence; therefore, she 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.

Civil Judge / JM-II
Orakzai at Kalaya

RELIEF.

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her 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
27.10.2026.

27/10/26.
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.

27/10/26.
Noor Ul HAQ
Civil Judge-II, Tehsil Court
Kalaya Orakzai