

**JUDGMENT SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**(JUDICIAL DEPARTMENT)**

**Regular First Appeal No.181 of 2020**

Yasmeen Kausar

*Versus*

National Database and Registration Authority (NADRA)

**Appellant by:** Mr. Tabassum Rashid Siddiqui, Advocate.  
**Respondent by:** Ch. Abdul Jabbar, Assistant Attorney General,  
Syed Junaid Jaffar- Law Officer, NADRA.  
**Date of Hearing:** 23.07.2020.

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**GHULAM AZAM QAMBRANI,J.:-** The appellant, Yasmeen Kausar, has assailed judgment and decree dated 25.02.2020, passed by the learned Civil Judge 1<sup>st</sup> Class, Islamabad-West, whereby suit of the present respondent/plaintiff was decreed with the cost of Rs.15,000/-.

2. Brief facts leading to filing of instant appeal are that the appellant/ plaintiff filed a suit for Declaration and Mandatory Injunction with the averments that her father's name has not been correctly recorded in the record of the respondent hence the appellant/plaintiff sought a decree of Declaration to the effect that her father's name may be corrected in the record of respondent as Muhammad Yaseen S/o Muhammad Shafi instead of Khalid Mehmood.

3. Suit was contested by the respondent/defendant by filling written statement. Out of divergent pleadings of the parties, following issues were framed:-

**Issues**

1. *Whether the plaintiff is entitled for decree of declaration and mandatory injunction as prayed for? OPP*
2. *Whether the suit of the plaintiff is not maintainable? OPD*
3. *Whether the suit of the plaintiff is time barred to law of estoppel, therefore, liable to be dismissed? OPD*

4. *Whether the suit of plaintiff is dismissed under Order 7 rule 11 CPC? OPD*

5. *Whether the plaintiff has concealed the material facts from the Court? OPD*

6. *Relief.*

4. After framing of the issues, both the parties were directed to adduce their respective evidence. The appellant/ plaintiff appeared as PW.-1 and got recorded her statement through an affidavit Ex.P-1 wherein she has narrated the same facts on oath, which were mentioned in the memo of plaint. Javed ul Hassan, real brother of the appellant appeared as PW-2, and got recorded his statement on oath through an affidavit Ex.P.4 and deposed that the actual name of his father is Muhammad Yaseen instead of Kahlid Mehmood. The appellant/ plaintiff produced photocopy of her CNIC as Ex.P2, Nikahnama Ex.P5 & Mark-D, Death Certificate of her father as Mark-A, CNIC of her brother namely Maqsood ul Hassan as Mark-B, CNIC of her sister namely Perveen as Mark-C and closed her documentary evidence. Whereas on the other hand, representative of the respondent/ defendant appeared as DW-1, who deposed that there is no mistake on the part of the respondent/ defendant. In documentary evidence, the respondent placed on record copy of computer generated record of appellant/ plaintiff as Ex.D1 & Ex.D2 and closed their evidence. After hearing the arguments, the learned Civil Judge decreed the suit of the appellant/ plaintiff with cost of Rs.15,000/-. Feeling aggrieved from the impugned judgment and decree the appellant has filed the instant appeal with the prayer to set-aside the impugned judgment and decree to the extent of imposition of cost of Rs.15000/- .

5. Learned counsel for the appellant contended that the impugned judgment and decree to the extent of cost is against the facts of the case that the learned trial Court has failed to observe that the appellant wants to exercise her right with regard to correction of her father name; that the learned trial Court reach to the conclusion that the appellant/plaintiff has succeeded to establish on record through evidence that real name of her father is

Muhammad Yaseen instead of Khalid Mehmood but the learned trial Court failed to provide any reason for imposing of the cost.

6. On the other hand, the learned Assistant Attorney General contended that there is no fault on the part of the department/NADARA, as such the learned trial Court has rightly imposed cost of Rs.15000/- while decreeing the suit of the appellant.

7. Heard arguments of the learned counsels for the parties and perused the available record with their able assistance.

8. Perusal of the record reveals that the appellant while appearing as PW.1 got recorded her statement through an affidavit (Ex.P1) and corroborated the averments contained in the plaint on oath. PW.2 Jawad ul Hassan real brother of the appellant also got recorded his statement on oath through an affidavit (Ex.P4) stating therein that real name of his father is Muhammad Yaseen instead of Khalid Mehmood. Record further shows that to substantiate her claim the appellant/ plaintiff produced her Nikahnama (Ex.P5) which was executed on 25.01.1985 wherein, the name of her father has been written as Muhammad Yaseen instead of Khalid Mehmood. The appellant also produced abstract of revenue record (Ex.P7) wherein the father's name of the appellant is mentioned as Muhammad Yaseen, as such, through the oral as well as documentary evidence the appellant succeeded to establish on record that the real name of her father is Muhammad Yaseen instead of Khalid Mehmood. On the other hand, the respondent/defendant placed on record Ex.D1 & Ex.D2 showing that the disputed particulars were provided by the appellant/ plaintiff herself while applying her CNIC with the NADRA, as such, it is also established on record that there was no fault on part of respondent/ defendant in mentioning the particulars of appellant/ plaintiff, therefore, the learned trial Court imposed the penalty of Rs.15000/- upon the appellant/plaintiff while decreeing her suit.

9. Minute perusal of the record reveals that the appellant/ plaintiff has succeeded to establish on record through oral as well as documentary evidence; that the real name of her father is Muhammad Yaseen instead of Khalid Mehmood, therefore, there

was no occasion for the learned trial Court to impose cost of Rs.15000/- which is too harsh.

10. For what has been discussed above, the instant appeal is **allowed**, and Judgment and decree dated 25.02.2020 is set-aside to extent of imposition of Rs.15000/-.

~~GHULAM AZAM QAMBRANI~~  
JUDGE

Announced in open Court, on 29<sup>th</sup> July, 2020.

~~JUDGE~~

"Rana M. If"