

Order -13
06/03/2023

Petitioners present through special attorney. Respondents already placed and proceeded against ex-parte. Ex-parte evidence recorded and closed.

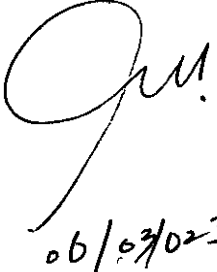
Ex-parte arguments heard and record perused.

Petitioner No. 1) Mst Shaban Begum (mother), 2) Ilyas Ali (brother), 3) Maimoon Ali (brother), 4) Mst Maryam (sister), 05) Mst Momna (sister), 06) Mst Iram Naz (sister), 07) Mst Basir Naz (widow) and 08) Mst Araj Naz (sister) have filed the instant petition for grant of succession certificate.

During course of recording evidence, Taib Ali recorded his statement as PW-1, Shabab Ali as PW-2 and Jasim Ali (Attorney) as PW-3 testified respectively. Copies of CNICs of PW-01 and PW-2 are Ex.PW-1/2 and Ex.PW-1/2. PW-3 submitted his power of attorney as Ex.PW-3/1, Copy of death certificate of deceased as Ex.PW-3/2, Decline certificate as PW-3/3, death certificate of father of the deceased as Ex.PW-3/4, FRC as Ex.PW-3/5, copy of Form "B" of sisters of the deceased as Ex.PW-3/6 and copy of statement of State Life Insurance. as Ex.PW- 3/7, marriage certificate as Ex.PW-3/8. Contents of the petition were reproduced and verified by the witnesses.

The available record on file prima facie establishes that petitioners are the legal heirs of deceased Sabir Ali as there is nothing in rebuttal. Hence, petitioners will inherit the legacy of deceased as per shari shares.

In the absence of any rebutting evidence, petitioners are hereby declared as the legal heirs of the deceased named above. Succession Certificate be issued in favour of the petitioners on furnishing surety bonds/undertaking in the sum of Rs: 100,000/- (One lac) with two local & reliable sureties each in the like amount to the satisfaction of this Court


06/03/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

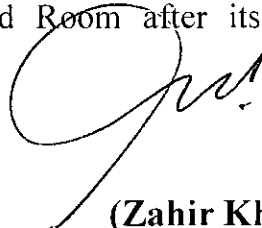
to the effect that if there appears any other legal heir of the deceased except above named legal heirs, they would be responsible to the court.

Before closing, it is pertinent to mention that this certificate does not confer any title to the holder of the certificate and does not conclusively determine the shares in the securities/debts, rather this certificate is issued with the sole purpose to recover the securities/debts from the department concerned. Thus, any person(s), if aggrieved, may press his/their rights through a suit before a competent Forum and to recover the amount received on the basis of said certificate to the extent of his/their shares on the basis thereof. Similarly, this certificate does not place bar on the right of any aggrieved person to establish his/their title and entitlement in the dues of the deceased before a competent court of jurisdiction.

In case, if there is any minor (s) legal heir, then share of the minor (s) be kept intact and shall not be dispose of without prior permission of the Court.

File be consigned to the Record Room after its necessary completion and compilation.

Announced
06/03/2023


(Zahir Khan)
CJ-I/Succession & Guardian Judge,
Tehsil Kalaya, Orakzai