

IN THE COURT OF ZAHIR KHAN, CIVIL JUDGE-I/GUARDIAN JUDGE, KALAYA, ORAKZAI

Petition No. 34/5 Institution: 20.12.2022

Decided: 18.03.2023

Mst Nait Ullah Jan etc

(Petitioners)

VERSUS

Public at large

(Respondents)


Order -14  
18/03/2023

Special attorney for petitioners present. Respondents already placed and proceeded against ex-parte.

Petitioner No. 1) Mst. Nait Ullah Jan (Widow), 2) Shaheen Ali (Son), 3) Mst. Saima Begum (Daughter), 4) Mst. Dilnashin (Widow), 5) Qasim Ali Shah (Son), 06) Minhas Ali Shah (Son), 07) Rehbar Ali Shah (Son), 08) Mst. Asma Jan (Daughter), 09) Mst Rodina Begum (Daughter), 10) Abdullah Shah (father) and 11) Mst. Zalifa Jan (mother) have filed the instant petition for grant of succession certificate in their favour on the ground that they are the only legal heirs/successors of deceased Mumtaz Ali Shah.

Notice was issued in the name of General Public in News Paper Daily "AUSAF", however, no one attended the Court from the general public, hence, placed and proceeded ex-parte. Accordingly, petitioners were given opportunity to produce ex-parte evidence.

During course of recording evidence, Haider Shah (attorney) recorded his statement as PW-1, Hakim Ali Shah as PW-2 and Faqir Ali as PW-3 testified respectively. PW-1 submitted special power of attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, FRC as Ex.PW-1/3, copy of death certificate as Ex.PW-1/4, copy of CNIC of father of deceased as Ex.PW-1/5 and copy of CNIC of mother of deceased as

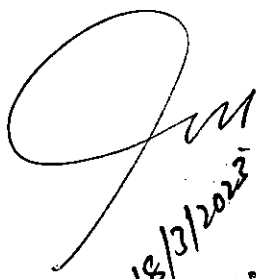
  
18/3/2023  
**ZAHIR KHAN**  
Civil Judge JM  
Kalaya Orakzai

Ex.PW-1/6. 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 Mumtaz Ali Shah 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 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.

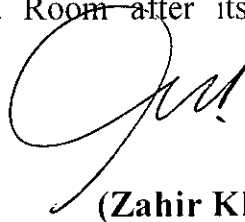
Before closing, it is pertinent to mention that this certificate does not confer any title to the holder of the certificate and does not conclusively determine the shares in the securities/debts, rather this certificate is issued with the sole purpose to recover the securities/debts from the department 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.

  
18/3/2022  
ZAHIR KHAN  
Civil Judge, JM  
Kalaya Orakzai

*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  
18/03/2023

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