

**IN THE COURT OF ASGHAR SHAH, DISTRICT JUDGE,**  
**ORAKZAI AT BABER MELA**

CIVIL REVISION NO : 1/12 OF 2020  
 DATE OF INSTITUTION : 18.12.2020 *Handwritten*  
 DATE OF DECISION : 21-12-2020  
 TITLE : MST. SHAH POORA VS  
 PUBLIC AT LARGE

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**Superintendent Note:** Civil Revision presented through representative of petitioner to the office of Superintendent. Be put up before District Judge, Orakzai, for further orders, please.

*Handwritten Signature*  
 (SUPERINTENDENT)  
 To District Judge, Orakzai at  
 Baber Mela.

**ORDER No. 01**  
 18.12.2020

Civil Revision received from the office of Superintendent. Be entered. Case file be put up for preliminary arguments on 21.12.2020.

*Handwritten Signature*  
 (ASGHAR SHAH)  
 District Judge, Orakzai at  
 Baber Mela.

**ORDER No. 02**  
 21.12.2020

Mr. Zahoor Ur Rehman Advocate for petitioner present. Preliminary arguments heard and available record gone through.

Petitioner Mst. Shah Poora approached the court of SCJ, Orakzai through an application for obtaining succession certificate in respect of family

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pension and other benefits of her deceased husband, Muhammad Akbar. However, the petition was dismissed vide impugned order dated 11.02.2020. Hence, the revision in hand.

At the very outset, it is necessary to mention here that any order refusing a certificate under The Succession Act, 1925 is appealable u/s 384 of the ibid Act as such the very revision is not maintainable. Moreover, the civil revision as per second proviso of the section 115 (1) of the CPC can be filed within 90 days from the date of the order but the present civil revision in hand is preferred after more than 10 months and neither any application for condonation of delay is annexed nor any reason has been cited in the memorandum of revision as to why the same has been filed so late. Thus, on that score too, the revision is not maintainable being time barred.

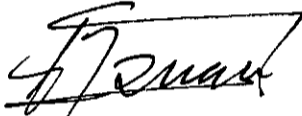
*J. Rana*  
21-12-20  
District & Sessions Judge  
Oranjal, Mangli

Moreover, the family pension and benefits etc. to which an employee is entitled upon retirement is not the legacy/tarka to be distributed among the legal heirs as per their shari shares. The succession certificate u/s 370 of The Succession Act, 1925 can be issued with regard to any debt/security left by the deceased and is available at the time of his death. However, this is not the case of the petitioner.

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Therefore, the trial court was justified in dismissing the application of the petitioner through impugned order. The impugned order is by no means suffering from any legal infirmity to call for interference of the present court therein. Resultantly, the revision in hand stand dismissed in limini being devoid of merits. However, the petitioner is at liberty to approach the civil court through suit for declaration for the subject purpose, if desired so. No order as to cost. File be consigned to Record Room after its necessary completion and compilation.

**Announced:**  
21.12.2020

  
**(ASGHAR SHAH)**  
District Judge, Orakzai  
at Baber Mela.