

Order
24/01/2020

Learned counsel for the petitioner present.

Statement of Syed Muhammad Syedain, Syed Mumtaz Hussain and Syed Muhammad Hassan are recorded as PW-1, PW-2 and PW-3 respectively.

Argument heard and record perused.

The petitioner namely **Mst Bibi Sahib Jana** and her children moved the instant petition for issuance of Succession Certificate to the extent of pension etc. of deceased namely **Syed Muhammad Hasnain**, who died on 15/02/1993.

It has been a golden principle of Islamic law of inheritance as well as often declared by the worthy Superior Courts of the country that legacy would mean any asset which the deceased was owner thereof in his life time or the right to claim the same had accrued in his life time, so on that touchstone subject service benefit i.e pension etc. does not become subject matter of succession certificate and it is for the department concerned to award/distribute such benefits amongst the suitable/entitled to the following legal heirs (dependents) as per the relevant rules.

S.No	Name	Relation with deceased
1	Bibi Sahib Jan	Mother
2	Syed Ahmad Hassan	Brother
3	Syed Guloon Shah	Brother
4	Syed Muhammad Hassan	Brother
5	Syed Mumtaz Hussain	Brother
6	Fatima Sughra	Sister
7	Haseen Zehra	Sister
8	Bibi Noor Zainab	Sister

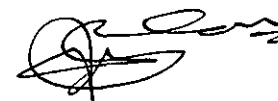
Reliance is placed upon case law reported in PLD 1991 Supreme Court 731

and PLD 2010 Karachi page. 153.

In view of the above, the department concerned is directed to entertain the request of petitioner in accordance with relevant rules and do readdress their grievances. As far as the present petition is concerned, the same is disposed of accordingly.

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

Announced
24/01/2020



Muhammad Ayaz Khan
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)