

IN THE COURT OF FARMAN ULLAH SENIOR CIVIL JUDGE, ORAKZAI

Petition No. 133/5 Institution. 16/11/2020 Date of decision: 27/11/2020

***Mst Rasheed Bibi and Tooti Gula wd/o Mina Gul, Section Mala Khel,
Sub Section Char Khela Kol, Tehsil Upper District Orakzai***

(3)

versus

General Public

Order-03
27/11/2020

Learned counsel for the petitioners present. Arguments on maintainability heard and record perused.

The petitioners namely Mst Rasheed Bibi and Tooti Gula have moved the instant petition for issuance of Succession Certificate to the extent of transfer of monthly pension of deceased namely Mena Gul s/o Hakeem Gul, who died on 30/03/2018, in the name of petitioners.

From the contents of petition, it is evident that petitioners are seeking succession certificate only for transfer of monthly pension of their predecessor in their names. No debts and securities of predecessor of petitioners have been identified and mentioned in the instant petition, the mentioning of which is mandatory u/s 370 of the Succession Act, 1925, for issuance of succession certificate. Succession certificate can only be issued to the legal heirs of deceased if any legacy/debts and securities have been left by the deceased. In the instant case no such circumstances exist as petitioners seek succession certificate only for transfer of pension in the name of petitioners. Pension by no means falls in definition of legacy rather pension is regulated by its own laws and rules enacted and notifications issued from the time to time. Reliance is placed on case law reported in PLD 1991 SC.731, and PLD 2010 Karachi: page 153.

Department concerned is required to deal with case of petitioners in accordance with relevant laws and rules of pension.

In view of above discussion petition in hand is held non-maintainable, hence dismissed.

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

Announced
27/11/2020

FARMAN ULLAH
Senior Civil Judge
Orakzai at Baber Mela