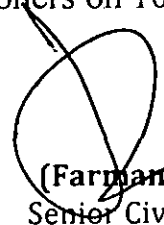


Order-5
05/12/2020

Petitioners present through counsel.

Counsel for the petitioners requested for adjournment due to non-availability of witnesses. Granted, file be put up for evidence of the petitioners on 10.12.2020.

(66)

(Farman Ullah)
Senior Civil Judge,
Orakzai (at Baber Mela).

Order -6
10/12/2020

1. Petitioners present through counsel and attorney.

Counsel for the petitioners submitted an application for impleadment of "Qudoos Begam" on the ground that she is sister of the deceased. Request for the impleadment of "Qudoos Begam" seems genuine. Hence, by accepting application, she is impleaded as petitioner No.5 in the petition.

Petitioners evidence recorded and closed.

Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 19th November, 2020 general public was asked to submit objections, if any, however, no one appeared before the court, so ex-parte proceedings were conducted.

3. Petitioner No. 01. Zahid Ullah Jan (mother), 02. Sabiha Jan (sister), 03. Faheem Hussain (brother) 04. Tanveer Hussain (brother) filed the instant application. Tanveer Hussain (attorney) recorded his statement as PW-1, Waqar Hussain as PW-2 and Saadat Hussain as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1. his CNIC as Ex.PW-1/2, policy copy of deceased as Ex.PW-

07

1/3, death certificate as Ex.PW-1/4, death certificate of father of the deceased as Ex.PW-1/5 and petitioners' CNICs as Ex.PW-1/6 to Ex.PW-1/10. All the exhibited documents, publication and report of process server etc. are placed on file. 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 Tafheem Hussain as there is nothing in rebuttal. Hence, petitioners will inherit the legacy of deceased as per following shares;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share Percentage
1	Mst Zahid Ullah Jan	Major	Mother	16.7 %
2	Faheem Hussain	Major	Brother	27.8 %
3	Tanveer Hussain	Major	Brother	27.8 %
4	Sabeeha Jan	Major	Sister	13.9 %
5	Qudoos Begam	Major	Sister	13.9 %

The share of minors, if any shall be deposited to the official account of Senior Civil Judge.

5. As, there is no other legal heir of deceased and considering the request of the petitioners being genuine this application is allowed along with accrued profit and Succession Certificate is issued in favour of petitioners, subject to surety bond/undertaking to the tune of Rs. 1,000,000 with 02 local sureties each in the like amount to the satisfaction of this court. If any legal heir/objector appear in future, the petitioners and the sureties will be responsible for the payment. Parties are left to bear their own cost. Original succession certificate be given to the petitioners' subject to surety bonds while copy of the certificate be placed on file.

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

Announced
10/12/2020


(FARMAN ULLAH)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela