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IN THE COURT OF MUHAMMAD AYAZ KHAN,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Order
06/02/2020

Attorney Rehmat Ullah for rest of the petitioners along with counsel present. The petitioners seek succession certificate in respect of legacy of deceased namely Habib Ullah Khan, who died on 03/10/2019. Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 21st December, 2019 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 Mst Mastan Khela (widow), 02. Bibi Zainab (Daughter), 03. Bibi Naima (Daughter), 04. Naqeeb Ullah (Son) 05. Bibi Shahida 06. Sajid Ullah 07. Hafeez Ullah 08. Kaleem Ullah 09. Bismillah 10. Muhammad Abbas filed the instant application. Rehmat Ullah (attorney) recorded his statement as PW-1, Syed Rehman as PW-2 and Muhammad Ibrahim testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, copy of CNIC of Mastan Khela as Ex.PW-1/2, copy of CNIC of the deceased as Ex.PW-1/3, death certificate as Ex.PW-1/4, copy of CNIC of Naqeeb Ullah as Ex.PW-1/5, Pension documents as Ex.PW-1/6, service book of the deceased as Ex.PW-1/7, Bank statement of NBP Hangu branch as Ex.PW-1/8, form-B of the petitioners 2 to 10 as Ex.PW-1/9, Bank statement of Sindh Bank Limited as Ex.PW-1/10, Bank statement of Meezan Bank Kohat branch as Ex.PW-1/11, Nikah Nama documents as Ex.PW-1/12 and verification form of Nikah Nama as Ex.PW-1/13. All the exhibited documents, publication and report of


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process server etc. are placed on file. Contents of the petition were reproduced and verified by the witnesses.

4. As, there is nothing in rebuttal, so therefore contention of the petitioners is believed to be correct. Therefore, the 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	Mastan Khela	Major	Widow	12.5 %
2	Bibi Zainab	Minor	Daughter	5.8 %
3	Bibi Naima	Minor	Daughter	5.8 %
4	Naqeeb Ullah	Major	Son	11.6 %
5	Bibi Shahida	Minor	Daughter	5.8 %
6	Sajid Ullah	Minor	Son	11.6 %
7	Hafeez Ullah	Minor	Son	11.6 %
8	Kaleem Ullah	Minor	Son	11.6 %
9	Bismillah	Minor	Son	11.6 %
10	Muhammad Abbas	Minor	Son	11.6 %

The share of minors, on S.No.2,3,5,6,7,8,9 and 10 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. 300,000 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 petitioner subject to surety bonds while copy of the certificate be placed on file.



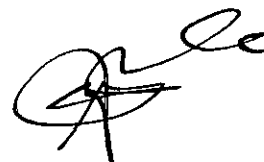
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As far as the transfer of pension is concerned, it is proved through evidence that petitioner No.1 is the sole widow of the deceased, hence, she is entitled to the pension of deceased subject to rules and regulations on the subject.

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

Announced
06/02/2020



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