

Order
07/10/2019

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Learned counsel for the petitioner present.

Statement of Muhammad Javid, Sahib Zada and Islam din are recorded as PW-1, PW-2 and PW-3 respectively.

Argument heard and record perused.

The petitioner moved the instant petition for issuance of Succession Certificate to the extent of pension etc. of deceased namely Mst Minhaja Bibi, who died.

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 benefits 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 family members (dependents) as per the relevant rules.

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 redress their grievances. As far as the present petition is concerned, the same is disposed of accordingly.

Moreover, the legacy of the deceased, if any, may be divided among the legal heirs as per the following shares:

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

Announced
07/10/2019



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