

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

Civil Suit No. 23/5 of 2019  
Date of Institution: 01/10/2019  
Date of Decision: 09/11/2019

VERSUS


**General Public**

**Order**  
09/11/2019

Petitioner No. 4 Aziz Ullah as attorney for rest of the petitioners along with counsel present. The petitioners seek succession certificate in respect of legacy of deceased namely Ghuncha Gul, who died on 10/04/2019. Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 24th October, 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 Khad Mina (widow), 02. Akhtar Mina (Daughter), 03. Naimat Ullah (son), 04. Aziz Ullah (son) 05. Nazia Bibi (Daughter) 06. Bibi Shakila (Daughter) 07. Khial Ajab Khan filed the instant application. Attorney of the petitioners, Aziz Ullah recorded his statement as PW-1, while Muhammad Arif as PW-2 and Hamid Ullah as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex. PW-1/1 and copy of his CNIC as Ex. PW-1/2, copy of his mother CNIC as Ex. PW-1/3, copy of CNIC of his elder brother namely Khial Ajab Khan as Ex. PW-1/4, copy of CNIC of his another brother namely Naimat Ullah as Ex. PW-1/5, copy of CNIC of his sister namely Akhtar Mina as Ex. PW-1/6, copy of CNIC of petitioner No. 5 namely Nazia Bibi as Ex. PW-1/7, death certificate of deceased as Ex. PW-1/8, bank statement as Ex. PW-1/9 and family tree as Ex. PW-1/10. All the exhibited documents,

  
**MUHAMMAD AYAZ**  
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Orakzai at Hangu

publication and report of 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	Khad Mina	Major	Widow	12.5
2	Akhtar Mina	Major	Daughter	9.73%
3	Naimat Ullah	Major	Son	19.43%
4	Aziz Ullah	Major	Son	19.43%
5	Nazia Bibi	Major	Daughter	9.73%
6	Bibi Shakila	Minor	Daughter	9.73%
7	Khial Ajab Khan	Major	Son	19.43%

The share of minor, at S. No. 06 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. 2 lacs 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.

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

**Announced**  
09/11/2019

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