

IN THE COURT OF MUHAMMAD AYAZ KHAN SENIOR CIVIL JUDGE /GUARDIAN JUDGE, ORAKZAI

Petition No. 47/5 Institution.18/12/2019 Date of decision: 14/02/2020

*Mst Zainab Bibi d/o Hameed Gul, Section Shekhan, Sub Section Umar zai, upper Orakzai**versus**General Public*Order
14/02/2020

Learned counsel for the petitioner present. Statement of Rafi, Muhammad Aslam Khan and Fazal Manan are recorded as PW-1, PW-2 and PW-3 respectively. Argument heard and record perused.

The petitioner namely Mst Zainab Bibi moved the instant petition for issuance of Succession Certificate to the extent of pension etc. of deceased namely Gul Moina w/o Hammed Gul, who died on 05/06/2019.

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

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

Announced
14/02/2020


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