

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

Civil Suit No. 26/5 of 2019
 Date of Institution: 05/10/2019
 Date of Decision: 07/11/2019

VERSUS

General Public

Order
 07/11/2019

Petitioner No. 5 Muhammad Umar as attorney for rest of the petitioners along with counsel present. The petitioners seek succession certificate in respect of legacy of deceased namely Inayat Ullah, who died on 31/08/2019. Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 15th 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 Rapila Jan (widow), 02. Hashim Khela (Daughter), 03. Haroon Badshah (son), 04. Shahid Ullah (son) 05. Muhammad Umar (son) 06. Khadija Bibi (Daughter) 07. Bibi khatma 08. Jahanzeb 09. Abu Bakar filed the instant application. Fazal Khaiq, relative of the petitioners, recorded his statement as PW-1, while Salman as PW-2 and Muhammad Umar as PW-3 testified respectively. PW-3 attorney of the petitioners, submitted his power of attorney as Ex. PW-3/1 and copy of his CNIC as Ex.PW-3/2, copy of CNIC of petitioner No.1 as Ex. PW-3/3, copy of CNIC of petitioner No. 2 as Ex. PW-3/4, copy of CNIC of petitioner No.3 as Ex. PW-3/5, copy of CNIC of petitioner No.7 as Ex. PW-3/6, copy of CNIC of petitioner No. 4 as Ex. PW-3/7, copy of CNINC of petitioner No. 6 as Ex. PW-3/8, copy of death certificate of the deceased as Ex. PW-3/9 and bank statement as Ex.PW-3/10. All the


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exhibited documents, 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	Rapila Jan	Major	Widow	12.5 %
2	Hashim Khela	Major	Daughter	6.73 %
3	Haroon Badshah	Major	Son	13.46 %
4	Shahid Ullah	Major	Son	13.46 %
5	Muhammad Umar	Minor	Son	13.46 %
6	Khadija Bibi	Major	Daughter	6.73 %
7	Bibi Khatma	Major	Daughter	6.73 %
8	Jahan Zeb	Minor	Son	13.46 %
9	Abu Bakar	Minor	Son	13.46 %

The share of minors, at S. No. 05,08 and 09 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. 11 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
07/11/2019


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