



Petition No. 51/5

Institution.23/12/2019

Date of decision: 18/02/2020

Mst Safar Janana w/o Kashmir Khan, Section Shekhan, Sub Section Umar zai, central Orakzai*versus*General Public**Order**

18/02/2020

Learned counsel for the petitioner present.

Statement of Syed Muhammad Said, Tor Khan and Muhammad Shareef are recorded as PW-1, PW-2 and PW-3 respectively.

Argument heard and record perused.

The petitioner namely **Mst Safar Janana** and her children moved the instant petition for issuance of Succession Certificate to the extent of pension etc. of deceased namely **Kashmir Khan**, who died on 26/07/2018.

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 benefit 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 to the following legal heirs (dependents) as per the relevant rules.

S.No	Name	Relation with deceased
1	Mst Safar Janana	Widow
2	Muhammad Said	Son
3	Shafi Rehman	Son
4	Mst Naseeb Jamal	Daughter
5	Mst Khwaja Mat Khela	Daughter

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

18/02/2020

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