

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

Order
26/11/2019

Petitioner No.3 Muhammad Shafiq as attorney for rest of the petitioners along with counsel present. The petitioners seek succession certificate in respect of legacy of deceased namely Gulta Khan, who died on 13/03/2019. 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 Piyao Mina (widow), 02. Muhammad Iqbal (Son), 03. Muhammad Shafiq (son), 04. Mujib-ur-Rehman (son) 05. Abdu Naseer (son) 06. Ismail (son) and 07. Maimonay filed the instant application. Attorney of the petitioners, Muhammad Shafiq recorded his statement as PW-1, while Mir Hassan Jan as PW-2 and Rehmat 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 CNIC of his mother as Ex. PW-1/3, copy of CNIC of petitioner No.2 as Ex.PW-1/4, copy of CNIC of petitioner No.3 as Ex.PW-1/5, copy of CNIC of petitioner No.4 as Ex.PW-1/5, copy of CNIC of petitioner No.5 as Ex.PW-1/6, petitioner No.6 and 7 are minors, their form-B as Ex. PW-1/7, copy of CNIC of the deceased as Ex.PW-1/8, copy of death certificate of deceased as Ex. PW-1/9 and Bank Statement as Ex.PW-1/10. All the exhibited documents, publication and report of process server etc. are placed on file. Contents of the petition were reproduced and verified by the witnesses.



MUHAMMAD AYAZ
Senior Civil Judge,
Orakzal at Hangu

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	Piyao Mina	Major	Widow	12.5 %
2	Muhammad Iqbal	Major	Son	15.9 %
3	Muhammad Shafiq	Major	Son	15.9 %
4	Mujib-ur-Rehman	Major	Son	15.9 %
5	Abdu Nasir	Major	Son	15.9 %
6	Ismail	Minor	Son	15.9 %
7	Memonay	Minor	Daughter	8 %

The share of minors, on S.No.6 and 7 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. 100,000 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
26/11/2019



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