

Petition No. 80/5

Institution.22/02/2020

Date of decision: 26/06/2020

Mst Dil Pera Jan w/o Dildar Khan, Section Ali Khel,

Sub Section Mirwas Khel, village Sara Garhi, Tehsil Upper Dist. Orakzai

versus

General Public

Order-7
26/06/2020

Learned counsel for the petitioner present. Argument heard and record perused.

The petitioner namely Mst Dil Pera Jan etc have moved the instant petition for issuance of Succession Certificate to the extent of transfer of monthly pension of deceased namely Mangal Jan d/o Musali Khan, who died on 16/01/2019, in the name of petitioner No.1.

From the contents of petition, it is evident that petitioners are seeking succession certificate only for transfer of monthly pension of their predecessor in the name of petitioner No.1. No debts and securities of predecessor of petitioners have been identified and mentioned in the instant petition, the mentioning of which is mandatory u/s 370 of the Succession Act, 1925, for issuance of succession certificate. Succession certificate can only be issued to the legal heirs of deceased if any legacy/debts and securities has been left by the deceased. In the instant case no such circumstances exist as petitioners seek succession certificate only for transfer of pension in the name of petitioner No.1. Pension by no means falls in definition of legacy rather pension is regulated by its own laws and rules enacted and notification issued from the time to time. Reliance is placed on case law reported in PLD 1991 SC.731, and PLD 2010 Karachi: page 153.

Department concerned is required to deal with case of petitioners in accordance with relevant laws and rules of pension.

In view of above discussion petition in hand is dismissed.

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

Announced
26/06/2020

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
Farman Ullah
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)