


Order -05  
18.07.2023

Petitioners present through counsel.

Arguments heard and record perused.

1. Petitioner Mst Rehmata Bibi widow of Abdul Khaliq and Mst. Nik Mina widow of Afzal Khan (deceased) and mother of Abdul Khaliq (deceased) residents of Shumali Tropi, Tehsil Upper, District Orakzai have filed the instant petition against respondents, public at large, for issuance of Succession Certificate in respect of LRs of deceased Abdul Khaliq. According to the petitioners, they are LRs of the deceased named above and there is no other legal heir except them.
2. Notice to respondents i.e., public at large was issued in daily news paper Ausaf dated 23.06.2023, but no one appeared before the court, so ex-parte proceedings were initiated. During the course of ex-parte evidence, one Muhammad Gul S/O Afzal Khan being special attorney of the petitioners appeared as PW-01. PW-1 submitted his power of attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, copies of CNICs of petitioners are Ex. PW-1/3 and Ex. PW-1/4 respectively. FRC of petitioners is Ex. PW-1/5. Copy of death certificate of deceased Abdul Khaliq as Ex.PW-1/6. Documents of OPF is Ex. PW-1/7. Copies of CNICs of PW-02 and PW-03 are Ex. PW-2/1 and Ex. PW3/1 respectively. 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. The report of Naimat Ullah Process Server on notice for verification of LRs of deceased dated

  
18/7/23  
F BAKHT ZADA  
Senior Civil Judge/JM  
Orakzai at Baber M-1a

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21.06.2023 is also self-explanatory and is confirming the stance of the petitioners.

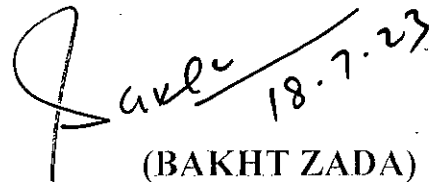
The available record on file prima facie establishes that petitioners are the legal heirs of deceased Abdul Khaliq as there is nothing in rebuttal due to ex-parte. The list of legal heirs of deceased is as under;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased
1	Rehmata Bibi	Major	Widow
2	Nik Mina	Major	Mother

3. 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. 500,000/- 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 petitioners' subject to surety bonds while copy of the certificate be placed on file.

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

**Announced**  
18.07.2023

  
18.7.23  
(BAKHT ZADA)  
SCJ/Succession & Guardian Judge,  
Orakzai at Baber Mela