


Order-4
27/01/2021

Petitioner through attorney and counsel present.

Power of attorney submitted by petitioners in favor of Fazal Hameed. Petitioner evidence recorded as PW-1.

File be put up for remaining petitioner's evidence on 09.02.2021.


Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela

Order-05
09/02/2021


1. Petitioners through attorney Faisal Hameed and through counsel present. Counsel for the petitioner submitted an application for correction in the petition to the effect that petitioner No.3 namely Mst Lal Zareena is daughter of Mewa Jan and Nawab Gul but erroneously she is mentioned as daughter of Aman Ullah. Request seems genuine. Hence, accepted. Moharrir is directed to incorporate the father name of petitioner No.3 as Nawab Gul instead of Aman Ullah.

2. The petitioners seek succession certificate in respect of legacy of deceased namely Mst Mewa Jan, who died on 30/10/1999. Petitioners evidence recorded and closed. Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 03rd January, 2021 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. Mst Dewa Gula (Daughter), 02. Mst Maroof Jana (Daughter), 03. Mst Lal Zareena (Daughter) and 04. Fareed Khan (Son), filed the instant application. Faisal Hameed (attorney) recorded his statement as PW-1, Muhammad Basharat PW-2 and Noor Zahid as PW-3 testified respectively. PW-1 submitted power of attorney for Petitioners as Ex.PW-1/1, Copy of death certificate of Mst Mewa Jan as

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09.2.21
FARMANULLAH
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Orakzai at Baber Mela

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Ex,PW-1/2, Copy of pension-book of Mst Lal Zareena (daughter of deceased) as Ex.PW-1/3, Copy *Nikah-Nama* of Mst Lal Zareena (daughter of deceased) as Ex.PW-1/4, Copy of Divorce certificate of Mst Dewa Gula (daughter of deceased) as Ex.PW-1/5, Copy of CNIC of deceased Mst Mewa Jana as Ex.PW-1/6. Copy of CNIC of Mst Dewa Gula (Daughter of deceased) as Ex.PW-1/7, Copy of CNIC of Mst Maroof Jana (daughter of deceased) as Ex.PW-1/8, Copy of CNIC of Mst Lal Zareena (daughter of deceased) as Ex.PW-1/9 and Copy of CNIC of Fareed Khan (son of deceased) 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.

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	Mst Dewa Gula	Major	Daughter	20%
2	Mst Maroof Jana	Major	Daughter	20%
3	Mst Lal Zareena	Major	Daughter	20%
4	Fareed Khan	Major	Son	40%

The share of minors, if any 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 petitioners' subject to surety bonds while copy of the certificate be placed on file.

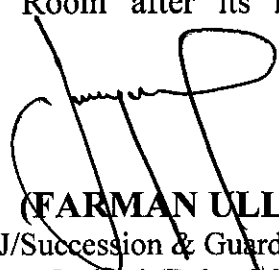


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(26)

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

Announced
09/02/2021


(FARMAN ULLAH)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela