

(6)


IN THE COURT OF FARMAN ULLAH
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Order-08
27/02/2021

1. Petitioners through attorney Shah Nawaz and through counsel present. The petitioners seek succession certificate in respect of legacy of deceased namely Muhamamd Hayaf, who died on 15/03/2018. Arguments already heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 24th December, 2020 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 Roshen Bibi (Widow), 02. Mst Afsana Bibi (Daughter), 03. Mst Rukhsana Bibi (Daughter) and 04. Mst Kameen Jana (Mother) filed the instant application. Shah Nawaz (attorney) recorded his statement as PW-1, Muhammad Ikhlq PW-2 and Abdul Haq as PW-3 testified respectively. PW-1 submitted power of attorney as Ex.PW-1/1, Copy of CNIC as Ex,PW-1/2, Copy of death certificate of deceased as Ex.PW-1/3, Copy of foreign death certificate of deceased as Ex.PW-1/4, Copy of passport of deceased as Ex.PW-1/5, Copy of protector certificate of deceased as Ex.PW-1/6. Copy of CNIC of petitioner No.1 (Mst Roshen Bibi) as Ex.PW-1/7, Copy of CNIC of deceased as Ex.PW-1/8, Copy of OPF form as Ex.PW-1/9, Copy of form 'B' of petitioner No.2 and 3 as Ex.PW-1/10, Copy of Family Tree as Ex.PW-1/11. 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.


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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 Kameen Jana	Major	Mother	
2	Mst Roshen Bibi	Major	Widow	
3	Mst Afsana Bibi	Minor	Daughter	
4	Mst Rukhsana Bibi	Minor	Daughter	

The share of minors, at S. No. 2 and 3 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. 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.

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

Announced
27/02/2021


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

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela