


Order-04
02/03/2021

Petitioners absent.

Bar is on strike. Hence case is adjourned.


File be put up for ex-parte evidence of petitioner
on 06.03.2021.


Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela

Order-05
06/03/2021

Petitioners through counsel present.

Petitioner evidence not produced due to non-availability
of witnesses. Counsel for the petitioners sought time for
evidence. Granted, file be put up for ex-parte evidence of
petitioner's on 13.03.2021.



Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela,

Order -06
13/03/2021

1. Petitioners present through attorney and counsel.

Evidence of petitioners present and recorded as PW-1 to PW-3 and
thereafter counsel for the petitioners informed the court that the
mother of deceased Sandar Ali is also alive. He requested to
incorporate her name also in the array of petitioners being the legal
heir of Sandar Ali. Request seems genuine. Hence, accepted and Niaz
Meena Jan is also impleaded as a petitioner in the instant petition.
Moharrir is directed to do the needful.

Arguments heard and record perused.


FARMAN ULLAH
Senior Civil Judge,
Orakzai at Baber Mela
13.03.2021

(3)

2. Through publication in daily newspaper "Ausaf" dated; 19 Feb,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. Sahar Ali (Son), 02. Shehnaza (Daughter) 03. Tahia Begum (Daughter) 04. Aseema Jan (Daughter) 05. Amtola Jan and Niaz Meena Jan (mother) filed the instant application. Sahar Ali (attorney) recorded his statement as PW-1, Shahnawaz Ali as PW-2 and Farhad Ali as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, Death certificate of deceased as Ex.PW-1/2, appointment letter as Ex.PW-1/3, FRC as Ex.PW-1/4, CNIC copy petitioner No.5 as Ex.PW-1/5 and self CNIC copy as ExpW-1/6. 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	Niaz Meena Jan	Major	Mother	16.66%
2	Amtola Jan	Major	widow	12.5%
3	Sahar ALi	Major	Son	28.33%
4	Shenaza	Major	Daughter	14.17%
5	Tahia Begum	Major	Daughter	14.17%
6	Aseema Jan	Major	Daughter	14.17%

The share of minors shall be deposited to the official account of Senior Civil Judge if any.

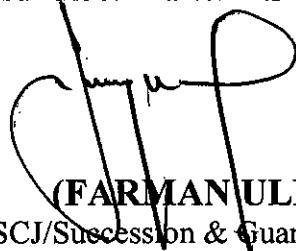
13.03.2021
FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

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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 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
13/03/2021


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