

(16)

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

Order-06
02/04/2021

1. Petitioners through attorney and counsel present.

Respondent No.2 to 5 absent.

Publication in daily Newspaper received but none of the respondent No.2 to 5 are in attendance in spite of repeated calls. Hence they produced ex-parte.

Counsel for the petitioners stated before the court that petitioners have already recorded their evidence and they rely on the same. Ex-parte arguments heard and record gone through.

The petitioners seek succession certificate in respect of legacy of deceased namely Mst; Ferooza Bibi, who died on 03/01/2021.

2. Through publication in daily newspaper "Ausaf" dated; 22nd February, 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. Muhammad Ilyas (Son), 02. Muhammad Haneef (Son) 03. Mst Taiba (daughter) 04. Mst Naseem Bibi (daughter) 05. Mst Yaseen (daughter) 06. Mst Shehnaz Begum (daughter) and 07. Mst Gul Naza (daughter) filed the instant application. Muhammad Ilyas (attorney) recorded his statement as PW-1, Khan Shaheed (Petitioner No. 2) as PW-2 and Zareen Shah as PW-03 testified respectively. PW-1 submitted power of attorney for petitioners as Ex.PW-1/1, copy of death certificate of Mst; Ferooza Bibi as Ex.PW-1/2, Copy Bank statement of account as Ex.PW-1/3, Copy of FRC as Ex. PW-1/4 and Copy of his CNIC as Ex.PW-1/5. 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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FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela

07

4. The available record on file prima facie establishes that petitioners and respondents No.2 to 5 are the legal heirs of deceased Mst; Ferooza Bibi as there is nothing in rebuttal. Hence, petitioners along with respondents No.2 to 5 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	Muhammad Ilyas	Major	Son	11.76%
2	Muhammad Haneef	Major	Son	11.76%
3	Amin Ahmad	Major	Son	11.76%
4	Gul Rafiq	Major	Son	11.76%
5	Saud Rafiq	Major	Son	11.76%
6	Muhammad Rafiq	Major	Son	11.76%
7	Mst Taiba	Major	Daughter	5.88%
8	Mst Naseem Bibi	Major	Daughter	5.88%
9	Mst Yaseen Bibi	Major	Daughter	5.88%
10	Mst Shehnaz Begum	Major	Daughter	5.88%
11	Mst Gul Naza	Major	Daughter	5.88%

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 and respondent No.2 to 5, subject to surety bond/undertaking to the tune of Rs. 60,000 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
02/04/2021

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