

**IN THE COURT OF BAKHT ZADA, SENIOR CIVIL JUDGE/SUCCESSION & GUARDIAN JDUGE, ORAKZAI**

Petition No.....21/5 of 2023.

Date of institution.....19.07.2023.

Date of decision.....09.09.2023.

Title: Mst. Asal Bibi Vs Public at Large

**Order.No.05**

**09.09.2023**

Petitioners present through counsel. Evidence of petitioners' present and recorded as PW-01 to PW-03 and closed. Arguments heard and record perused.

1. Petitioner No. 1. Mst Asal Bibi (widow of Liaqat Ali Khan), No. 02. Baseer Hussain (son), Riyaz Ali (son), Azmat Hussain (minor son) and Mst. Shabina Naz (daughter) residents of Dipar, Upper Orakzai have filed the instant petition against respondents, public at large, for issuance of Letter of Administration in favour of petitioner No. 02 namely Baseer Hussain S/O Liaqat Ali Khan (deceased) in respect of construction firm namely **Liaqat Ali Orakzai & Co** immovable legacy of deceased.
2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 27.07.2023, but no one appeared before the court, so ex-parte proceedings were initiated against the public at large.

During the course of ex-parte evidence, one Baseer Hussain S/O Liaqat Ali Khan being special attorney of the petitioners appeared as PW-01 and submitted his CNIC as Ex.PW-1/1. His special power of attorney is

*Baseer*  
**BAKHT ZADA**  
Senior Civil Judge/JM  
Orakzai at Baber Kela

Ex.PW-1/2. Copy of death certificate of deceased Liaqat Ali Khan is Ex.PW-1/3. Copy of license of construction company "FORM H" is Ex. PW-1/4 and "FORM E" is Ex. PW-1/5. Copy of partnership deed consisted of 03 pages is Ex. PW-1/6. Copy of transfer of partnership document is Ex. PW-1/7 and copy of CNIC of petitioner No. 1 is Ex. PW-1/8. 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. Report dated 26.07.2023 of Naimat Ullah Process Server overleaf the notice regarding LRs of the deceased is self-explanatory and is confirming the fact that there is no other LRs of the deceased except the present petitioners. The list of legal heirs of deceased is as under;

S.No.	Name of petitioners of legal heirs	Major/Minor	Relationship with deceased
1.	Mst. Asal Bibi	Major	Widow
2.	Baseer Hussain	Major	Son
3.	Riyaz Ali	Major	Son
4.	Azmat Hussain	Minor	Son
5.	Shabina Naz	Major	Daughter

4. Keeping in view the above facts and circumstances, the instant application is allowed and Letter of Administration is issued in favour of petitioners being LRs of deceased Liaqat Ali Khan in respect of their shares in Liaqat Ali Orakzai & Co, subject to surety bond/undertaking to the tune of Rs. 1,000,000/- 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.

*Justice*  
**BAKHIT ZADA**  
 Senior Judge/JM  
 Orakzai Baber Nala

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5. As far as the question of issuance of "FORM H" or transferring of shares of petitioner No. 02 is concerned, he may apply to the concerned department/Security & Exchange Commission for the same in view of the consent of the LRs in accordance with law. Parties are left to bear their own cost. Letter of administration 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**  
09.09.2023

*9-9-23*  
**(BAKHT ZADA)**  
SCJ/Succession & Guardian Judge,  
Orakzai at Baber Mela