

(05)

Order-07
06/08/2021

Petitioners present through attorney.

Bar is on strike. Hence, case is adjourned.

File be put up for arguments on 07.08.2021.


Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

Order -08
07/08/2021

1. Petitioners present in through attorney and counsel.

Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 08th July, 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. Azhar Ali (Father), 03. Mst Nehsad (Sister), 04. Noor Wali (Brother), 05. Gul Wali (Brother), 06. Khail Meena (Sister), 07. Samar Khatoon (Sister) filed the instant application. Noor Wali (attorney) recorded his statement as PW-1, Zahid Ali as PW-2 and Gul Taj Ali as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, his CNIC as Ex.PW-1/2, copy of death certificate of deceased as Ex.PW-1/3, Bank statement of deceased as Ex.PW-1/4, Family tree 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.

From the available record it is evident that petitioner No.1 Azhar Ali is the father of deceased (Shameem Ali) and remaining petitioner No. 3 to 7 are brother and sisters of the deceased, while petitioner No.2 is the mother of deceased, who has died prior to his son (deceased) and hence her name was deleted. In presence of father of deceased, the brothers are


FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela
07.08.2021

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excluded to inherit and the entire legacy goes to father i.e. petitioner No.1.

So, the available record on file prima facie establishes that only petitioner No.1 is the legal heir of deceased Shameem Ali as there is nothing in rebuttal. Hence, only petitioner No.1 will inherit the legacy of deceased as per following shares;

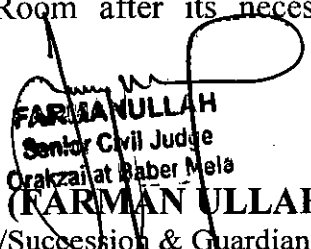
S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share Percentage
1	Azhar Ali	Major	Father	100%

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 petitioner being genuine this application is allowed along with accrued profit and Succession Certificate is issued in favour of petitioner No.1, subject to surety bond/undertaking to the tune of Rs. 1500,000/-(fifteen lacs) with 02 local sureties each in the like amount to the satisfaction of this court. If any legal heir/objector appear in future, the petitioner and the sureties will be responsible for the payment. Parties are left to bear their own cost. Two original succession certificates be prepared; one original succession certificate be given to the petitioner subject to surety bonds of Rs.1500,000/-(fifteen lacs) with two local sureties, while one be retained and placed on judicial file for record.

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

Announced
07/08/2021


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