

(4)

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

Petition No.....20/5 of 2023.

Date of institution.....19.07.2023.

Date of decision.....12.09.2023

Title: Mst. Bas Marjan etc Vs Public at Large

Order -04
12.09.2023

Special attorney of petitioners along with counsel present. Court fee submitted.

Arguments already heard and record perused.

1. Petitioners 1. Mst Bas Marjan (widow) 2. Mst Wahida (widow), 3. Bibi Zarcha (mother)and 4. Sabir Hayat (son) all residents of Brah Abbas Khel Hangu permanently residing at Village Baghnak, Upper Orakzai have filed the instant petition against respondents, public at large, for issuance of Succession Certificate being LR's of deceased Ghani Ur Rehman. That the amount of Rs. 801,733.60/- left as the legacy of deceased lying in account No. 0015202010060579 in MCB, Hangu. According to the petitioners, they are LR's of the deceased named above and there is no other legal heir except them.

2. The respondents i.e., public at large was served through notice in daily newspaper "Ausaf" dated 24.07.2023, but no one appeared before the court, so ex-parte proceedings were initiated. During the course of ex-parte evidence, one Sabir Rehman S/O Ghani Ur Rehman being special attorney of the petitioners appeared as PW-01. He produced the following documents.

1. Ex. PW-1/1; Special power of attorney.

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2. Ex. PW-1/2 to Ex. PW-1/8: Nadra documents
 3. Ex. PW-2/1 and Ex. PW-3/1: CNICs of PW-02 and PW-03.

3. 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. The report of Naimat Ullah Process Server on notice for verification of LRs of deceased is self-explanatory and is confirming the fact that there is no other LRs of the deceased except the them. The list of legal heirs of deceased is as under;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share percentage
1	Bibi Zarcha	Major	Mother	16.67%
2	Mst. Bas Marjan	Major	Widow	6.25%
3	Mst. Wahida Jana	Major	Widow	6.25%
4	Sabir Hayat	Major	Son	70.83%

4. As, there is no other legal heir of deceased and considering the request of the petitioners being genuine, this application is allowed in respect of amount of Rs. 801,733.60/- lying in account No. 0015202010060579 in MCB, Hangu. Therefore, Succession Certificate is hereby issued in favour of petitioners being LRs of the deceased according to their Sharia shares. The petitioners are directed to deposit surety bond to the tune of Rs. 800,000/- with 02 local sureties each in the like amount to the satisfaction of this court. Succession Certificate be issued on the stamp paper and copy of the same be placed on file. 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.

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

Announced
12.09.2023


 (BAKHT ZADA)
 SCJ/Succession & Guardian Judge,
 Orakzai at Baber Mela