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

Petition No.....22/5 of 2023.

Date of institution.....10.08.2023.

Date of decision.....03.10.2023

Title: Mst. Mahbooba etc Vs Public at Large

Order -05
03.10.2023

Special attorney of petitioners along with counsel present.

Arguments heard and record perused.

1. Petitioner 1. Mst. Mahbooba (daughter) and 2. Qadar Jana (daughter) both residents of Qoum Akhel, Shumali Namasi, Tehsil Upper, District Orakzai have filed the instant petition for issuance of Succession Certificate being LRs of deceased Khial Nisa against respondents, public at large. According to the petitioners, they are LRs of the deceased and there is no other legal heir except them. That Khial Nisa (deceased) died on 13.11.2011. That husband of petitioner No.1 also died on 09.06.2021. That petitioners being daughter of the deceased have requested for the Succession Certificate.

2. The respondents i.e., public at large was served through notice in the daily newspaper "Mashriq" dated 15.09.2023, but no one appeared before the court, so ex-parte proceedings were initiated against the respondents public at large. During ex-parte evidence, one Muhammad Akbar S/O Meen Akbar being special attorney of the petitioners appeared as PW-01. He produced the following documents.

1. Ex. PW-1/1: Special power of attorney
2. Ex. PW-1/2 to Ex. PW-1/6: Nadra documents
3. Ex. PW-1/7 to Ex. PW-1/10: Pension documents

Signature
BAKHT ZADA
Senior Civil Judge/JM
Orakzai
3-10-23

4. Ex. PW-2/1 and Ex. PW-3/1: Copy of CNICs of PW-02 and PW-03.

3. All the exhibited documents, publication and report of SHO etc are placed on file. Contents of the petition were reproduced and verified by the witnesses and they confirmed that there are no other LR's of the deceased except the petitioners. The report of SHO PS Ghiljo dated 04.09.2023 on notice for verification of LR's of deceased is also self-explanatory and is confirming the stance of the petitioners.

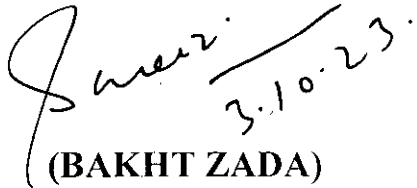
The available record on file prima facie establishes that petitioners are the legal heirs of deceased Khial Nisa as there is nothing in rebuttal due to ex-parte. The list of legal heirs of deceased is as under;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share percentage
1.	Mst. Mahbooba	Major	Daughter	50%
2.	Mst. Qadar Jana	Major	Daughter	50%

4. As, there is no other legal heir of deceased and therefore considering the request of the petitioners being genuine, this application is allowed. Succession Certificate be issued in favour of petitioners being LR's of the deceased according to their Sharia shares. The petitioners are directed to deposit surety bond to the tune of Rs. 500,000/- 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
03.10.2023


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