

(05)

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

Petition No.....26/5 of 2023.

Date of institution.....02.10.2023.

Date of decision.....30.10.2023.

Title: Muhammad Rehman etc Vs Public at Large

Order.No.05
30.10.2023

Petitioners along with counsel present.

1. Petitioner *No. 1*. Muhammad Rehman (son), *No. 2*. Mst. Rashida, *No. 3*. Mst. Man Shareefa, *No. 4*. Mst. Habiba Bibi, *No. 5*. Mst. Maryam Abdul Rab, *No. 6*. Mst. Ahmadia Bibi and *No. 7*. Mst. Safia Bibi (daughters of deceased) residents of Star Kalay, Qaum Mala Khel, Tappa Aziz Khel, Upper Orakzai have filed the instant petition against respondents, public at large, for issuance of Letter of Administration in favour of petitioner No. 01 namely Muhammad Rehman S/O Abdul Rab (deceased) in respect of house situated at *house No. 116, street No. 05, Rahim Town, Measuring 0K-7M, situated Moza Shakaryal, Tehsil & District Rawalpindi* immovable legacy of deceased.

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 06.10.2023, but no one appeared before the court, so the public at large were placed and proceeded ex-parte.
3. During the course of ex-parte evidence, petitioner No. 1 himself being special attorney for the petitioners No. 2 to No. 7 appeared as PW-01 and produced the following documents.

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1. Ex. PW-1/1: Special power of attorney.
2. Ex. PW-1/2: Copy of CNIC of PW-01.
3. Ex. PW-1/3: Copy of death certificate of deceased Abdul Rab.
4. Ex. PW-1/4 to Ex. PW-1/9: Copies of CNICs of Petitioner No. 2 to No. 7.
5. Ex. PW-1/10: Copy of FRC of petitioners.

Muhammad Yahya and Sami Ullah, relatives of petitioners appeared and recorded their statements as PW-02 & PW-03 respectively. They supported the stance of the petitioners and affirmed that the petitioners are legal heirs of the deceased Abdul Rab.

1. Copies of CNICs of PW-02 and PW-03 are Ex. PW-2/1 and Ex. PW-3/1 respectively.

Petitioners No. 2 to No. 7 also appeared in person before the court and recorded their statements to the effect that petitioners are the LRs of deceased Abdul Rab and they have got no objection on appointment of his brother Muhammad Rehman as Administrator for looking after the property. They prayed for issuance of Letter of Administration in favour of petitioner No. 1. Their statements are recorded as PW-04 to PW-09.

Copies of their CNICs are Ex. PA to Ex. PF.

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 16.10.2023 of Hamdan Shah Bailiff 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;


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S.No.	Name of petitioners of legal heirs	Major/Minor	Relationship with deceased
1.	Muhammad Rehman	Major	Son
2.	Mst. Rashida	Major	Daughter
3.	Mst. Man Shareefa	Major	Daughter
4.	Mst. Habiba Bibi	Major	Daughter
5.	Mst. Maryam Abdul Rab	Major	Daughter
6.	Mst. Ahmadia Bibi	Major	Daughter
7.	Mst. Safia Bibi	Major	Daughter

5. Keeping in view the statements of LRs and above facts and circumstances, the instant application is allowed and Letter of Administration is issued in favour of petitioner No. 1 namely Muhammad Rehman in respect of the suit property. He is at liberty to look after the property, however, he cannot sale out the shares of other LRs without their express consent. Letter of Administration be issued in favour of petitioner No. 1 subject to surety bond/undertaking to the tune of Rs. 2,000,000/- 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. 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
30.10.2023


30.10.23
(BAKHT ZADA)
SCI/Succession & Guardian Judge,
Orakzai at Baber Mela