

(3)

**Order -03**  
25.01.2022

Petitioners present through relative.

Inquiry report has been returned and placed on file.

Publication received but none present on behalf of respondents. Hence, respondents are proceeded ex-parte.

File be put up for ex-parte petitioner's evidence on 04.02.2022.



**Farman Ullah**  
Guardian Judge/SCJ  
Orakzai at Baber Mela.

**Order - 04**  
04/02/2022

1. Petitioners present through attorney and counsel.

Evidence of petitioners present and recorded as PW-1 to PW-3.

Counsel for the petitioners submitted an application for mentioning the correct date of death of the deceased in succession certificate according to the death certificate as 24.10.2020 but inadvertently it has been mentioned as 24.03.2021 in the petition. The perusal of death certificate reveals that the correct date of death of deceased is 24.10.2020, hence request seems genuine and date of death of deceased is hereby corrected in the petition as per death certificate of deceased.

Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 20<sup>th</sup> Jan ,2022 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. Bibi Ajmina (Widow), 02. Muhammad Hilal (Son) 03. Lal Gul (Son) 04. Muhammad Sadiq (Son) 05. Atiq Ur



**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela  
04.2.22.

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Rehman (Son) and 06. Mst Bibi Ayesha (Daughter) filed the instant application. Muhammad Hilal (attorney) recorded his statement as PW-1, Muhammad Nawaz as PW-2 and Abdul Latif as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, self CNIC copy as Ex.PW-1/2, Copy of Death certificate of deceased as Ex.PW-1/3, Copy of bank account statement as Ex.PW-1/4 and copy of FRC 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.

4. The available record on file prima facie establishes that petitioner and respondents No.1 & 2 are the legal heirs of deceased Pir Zada as there is nothing in rebuttal. Hence, petitioner along with respondents No.1 & 2 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	Mst Bibi Ajmina	Major	widow	12.51%
2	Muhammad Hilal	Major	Son	15.91%
3	Lal Gul	Minor	Son	15.91%
4	Muhammad Sadiq	Minor	Son	15.91%
5	Atiq Ur Rehman	Minor	Son	15.91%
6	Mst Bibi Raida	Major	Daughter	7.95%
7	Mst Bibi Riasat	Major	Daughter	7.95%
8	Mst Bibi Ayesha	Minor	Daughter	7.95%

The share of minors at S. No. 3, 4, 5 and 8 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 and respondent No.1& 2, subject to surety bond/undertaking to the tune of Rs. 100,000 (one lac) 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

FARUQ ANJUM  
Senior Civil Judge  
02/2/22

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payment. Parties are left to bear their own cost. Two original succession certificates be prepared; one original succession certificate be given to the petitioners subject to surety bonds of Rs.100,000/-(one lac) 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  
04/02/2022

  
**FARMANULLAH**  
Senior Civil Judge  
Orakzai at Baber Mela  
**(FARMAN ULLAH)**  
SCJ/Succession & Guardian Judge,  
Orakzai (Baber Mela)