

Order -07
28/09/2021

1. Petitioner No.3 present in person and as attorney for remaining petitioners along with counsel.

Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 08th Sept, 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. Mst Zar Jamala (Widow), 02) Salif Jan (Widow), 03) Sail Khan (Son), 04) Shaoib Khan (Son), 05) Farman Khan (Son), 06) Mst Islam Bibi (Daughter), 07) Mst Ikhtiar Bib (Daughter), 08) Mst Muzamat Khela (Daughter), 09) Mst Lal Mat Khela (Daughter), 10) Mst Shazia Bibi (Daughter) and 11) Mukhtiara Bibi (Daughter) filed the instant application. Sail Khan (attorney) recorded his statement as PW-1, Jahanzeb Khan as PW-2 and Abdul Rehman 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, Family tree as Ex.PW-1/4. 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.

FARMANULLAH
Senior Civil Judge
Orakzai and Baber Khela
28.9.21

The available record on file prima facie establishes that petitioners are the legal heirs of deceased Mawali Khan Khan as there is nothing in rebuttal. Hence, petitioners 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 Zar Jamala	Major	Widow	6.26%
2	Mst Salif Jan	Major	Widow	6.26%
3	Sail Khan	Major	son	14.58%
4	Shoaib Khan	Minor	son	14.58%
5	Farman Khan	Minor	son	14.58%
6	Mst Islam Bibi	Major	Daughter	7.29%
7	Mst Ikhtiar Bibi	Major	Daughter	7.29%
8	Mst Muzamat Khela	Major	Daughter	7.29%
9	Mst Lal Mat Khela	Major	Daughter	7.29%
10	Shazia Bibi	Major	Daughter	7.29%
11	Mukhtiara Bibi	Minor	Daughter	7.29%


The share of minors, at serial No. 4,5 and 11 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 petitioners being genuine this application is allowed along with accrued profit and Succession Certificate is issued in favour of petitioners, subject to surety bond/undertaking to the tune of

Rs. 2,000,000/-(twenty 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 petitioners 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 petitioners subject to surety bonds of Rs. 2,000,000/-(twenty 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
28/09/2021


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