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

Petition No.....27/5 of 2023.

Date of institution.....06.12.2023.

Date of decision.....11.12.2023

Title: Hajra Bibi etc Vs Public at Large

Order -03
11.12.2023


Special attorney of petitioners along with counsel present.

Evidence of petitioners recorded as PW-01 to PW-03 and closed.

Arguments heard and record perused.

1. Petitioners 1. Hajra Bibi (widow) 2. Masood Ullah (son), 3. Azim Ullah (son), 4. Maryam Bibi (daughter) and Romaisa Bibi (daughter) all residents of Qaum Rabia Khel, Tappa Ayaz Khel, Tehsil Upper, District Orakzai have filed the instant petition against respondents, public at large, for issuance of Succession Certificate being LR's of deceased Sadiq Ullah Khan. That the amount of Rs. 160,839.96/- left as the legacy of deceased lying in account No. 5090-89000957-03 in HBL, Hangu. According to the petitioners, they are LR's of the deceased named above and there is no other legal heir except them.

The respondents i.e., public at large was served through notice in daily newspaper "Ausaf" dated 08.12.2023, but no one appeared before the court, so ex-parte proceedings were initiated. During the course of ex-parte evidence, one Asad Ullah S/O Rehman Shah being special attorney of the petitioners appeared as PW-01. He produced the following documents.


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1. Ex. PW-1/1: Special power of attorney.
2. Ex. PW-1/2 to Ex. PW-1/3: Nadra documents.
3. Ex. PW-1/4: Copy of bank statement.
4. Ex. PW-1/5: Copy of FRC.
5. Ex. PW-1/6: Copy of death certificate of Sadiq Ullah Khan.

4. PW-02 & PW-03 are the statements of Khayal Zar Khan and Eid Shireen respectively. They supported the stance of the petitioner and confirmed that there are no LRs of the deceased except the present petitioners.

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

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. The report of Mati 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	Hajra Bibi	Major	Widow	12.50%
2	Masood Ullah	Minor	Son	29.17%
3	Azim Ullah	Minor	Son	29.17%
4	Maryam Bibi	Minor	Daughter	14.58%
5	Romaisa Bibi	Minor	Daughter	14.58%

6. 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 the amount Rs.160,839.96/- left as the legacy of deceased lying in account No. 5090-89000957-03 in HBL, Hangu. Therefore, Succession Certificate is hereby issued in favour of petitioners being LRs


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of the deceased according to their Sharia shares. The petitioners are directed to deposit surety bond to the tune of Rs. 200,000/- 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.

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

Announced
11.12.2023

File 2
11.12.23

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