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Eid Marjan etc vs General Public


Order -03
23.04.2022

Petitioners present through counsel.

Inquiry report has been returned and placed on file.

Publication received but none present on behalf of public at large. Hence, public at large is proceeded ex-parte.

File be put up for ex-parte petitioner's evidence on 29.04.2022.


Rehmat Ullah Wazir
Guardian Judge/SCJ
Orakzai at Baber Mela.

Order -04
29/04/2022


Petitioners present through attorney and counsel.

Power of attorney submitted in favour of Rafi Ullah.

Petitioner's evidence recorded and closed.

Arguments heard and record perused.

Through publication in daily newspaper "Ausaf" dated; 20th April, 2022 general public was asked to submit objections, if any, however, no one appeared before the court, so ex-parte proceedings were conducted.


Petitioner No. 01. Eid Marjan (father), 02) Mst Feroz Khela (mother), 03) Mst Asma Bibi (widow), 04) and Muhammad Afnan (Son) filed the instant application. Rafi Ullah (attorney) recorded his statement as PW-1, Rehmat Ullah as PW-2 and Shafi 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, copy of CNIC of deceased as Ex.PW-1/4, Copy of CNICs of petitioner No. 1 to petitioner No. 3 are Ex.PW-1/5 to Ex.PW-1/7 respectively. Copy of Form-B of petitioner No. 4 as Ex.PW-1/8. 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 available record on file prima facie establishes that petitioners are the legal heirs of deceased Pir 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	Eid Marjan	Major	Father	16.67%
2	Mst Feroz Khela	Major	Mother	16.67%
3	Mst Asma Bibi	Major	widow	12.5%
4	Muhammad Afnan	Minor	son	54.16%

The share of minor at serial No. 4 shall be deposited to the official account of Senior Civil Judge, Orakzai.

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. 500,000/- (five 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 petitioner's subject to surety bonds of Rs. 500,000/- (five lacs) with two local sureties, while one be retained and placed on judicial file for record.

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

Announced
29/04/2022


(Rehmat Ullah Wazir)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)

Serial No.
Date