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

Petition No.....28/5 of 2023.

Date of institution.....07.12.2023.

Date of decision.....23.12.2023

Title: Mst. Marzia etc Vs Public at Large

Order -05
23.12.2023

Special attorney of petitioners along with counsel present.

Arguments heard and record perused.

1. Petitioners 1. Mst. Marzia Bibi (widow) 2. Syed Kifayat Hussain (son), 3. Muhammad Hasnain (son), 4. Syed Miqdad Hussain (brother), 5. Syed Abu L Hassan (son) and 6. Mst. Bibi Shahi Zahra (daughter) all residents of Mulayano Garhi, Kalaya, Tehsil Lower, District Orakzai have filed the instant petition against respondents, public at large, for issuance of Succession Certificate being LRs of deceased Syed Amin Hussain. That the amount of Rs. 210,557.73/- in account No. 2035-0078-001985-01-0 in Bank Al Habib, Kacha Pakka Branch and the amount of Rs. 136,571.71 left as the legacy of deceased lying in account No. 1750-79000823-01 in HBL, Kalaya Branch. According to the petitioners, they are LRs of the deceased named above and there is no other legal heir except them.

2. The respondents i.e., public at large was served through notice in daily newspaper "Ausaf" dated 10.12.2023, but no one appeared before the court, so ex-parte proceedings were initiated. During the course of ex-parte evidence, one Syed Nikmal Hussain being special attorney of

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the petitioners appeared as PW-01. He produced the following documents.

1. Ex. PW-1/1: Special power of attorney.
 2. Ex. PW-1/2: Copy of his CNIC.
 3. Ex. PW-1/3: Copy of death certificate of deceased.
 4. Ex. PW-1/4 & Ex. PW-1/5: Copies of bank statements.
 5. Ex. PW-1/5: Copy of FRC.
4. PW-02 & PW-03 are the statements of Syed Niqab Hussain and Syed Irshad Hussain 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;

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S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share percentage
1	Mst. Marzia Bibi	Major	Widow	12.50%
2	Syed Kifayat Hussain	Major	Son	19.44%
3	Muhammad Hussain	Major	Son	19.44%
4	Syed Miqdad Hussain	Major	Son	19.44%
5	Syed Abu L Hassan	Major	Son	19.44%
6	Mst. Bibi Shahi Zahra	Major	Daughter	9.72%

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 of Rs. 210,557.73/- in account No. 2035-0078-001985-01-0 in Bank Al Habib, Kacha Pakka Branch and the amount of

(3)

Rs. 136,571.71 left as the legacy of deceased lying in account No. 1750-79000823-01 in HBL, Kalaya Branch. Therefore, Succession Certificate is hereby issued in favour of petitioners being LRs of the deceased according to their Sharia shares. The petitioners are directed to deposit surety bond to the tune of Rs. 500,000/- 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
23.12.2023

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