

Order-01
21/02/2022


Petitioner present along with counsel.

Vide my order of today in miscellaneous petition No.05/6 date of institution 15.02.2022, proceedings in the instant case have been restored.

Muharrir is directed to register the same with its old Neam number.

Petitioner is directed to deposit the fee for publication within 02 days, thereafter, process be issued for the date fixed. Process server is directed to verify the list of legal heirs of the deceased for the date fixed.

File be put up for publication and inquiry report on 28.02.2022.


Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.

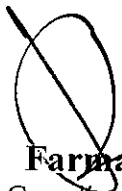
Order -02
28.02.2022

Petitioners present through attorney.

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 07.03.2022.


Farman Ullah
Guardian Judge/SCJ
Orakzai at Baber Mela.

6

IN THE COURT OF FARMAN ULLAH
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Order-3
07/03/2022

1. Petitioners through attorney and counsel present.

The petitioners seek succession certificate in respect of legacy of deceased namely Riaz Ullah, who died on 29/11/2021.

Petitioners evidence recorded and closed.

Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 23rd February, 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. Mst Shawar Khela (Widow), 02. Mst Shah Asma Bibi (Daughter), 03. Ahmad Ullah (Son), 04. Muhammad Ullah (Son) filed the instant application. Shah Zaman (attorney) recorded his statement as PW-1, Muhammad Fayaz as PW-2 and Muhammad Saeed as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, Photocopy of my CNIC as Ex.PW-1/2, Death Registration Certificate as Ex.PW-1/3, FRC as Ex.PW-1/4, Copy of CNIC of petitioner No. 1 as Ex.PW-1/5, Copy of Form 'B' of minors as Ex.PW-1/6, The Bank Account statement of HBL Islamic Banking, Bus Ada Branch, District Hangu as Ex.PW-1/7. 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. As, there is nothing in rebuttal, so therefore contention of the petitioners is believed to be correct. Therefore, the petitioners will inherit the legacy of deceased as per following shares;


FARMAN ULLAH
Senior Civil Judge
Orakzai at Baber Mela
07.03.22

7

| S. No | Name of petitioner legal heirs | Major/minor | Relation with deceased | Share Percentage |
|-------|--------------------------------|-------------|------------------------|------------------|
| 1 | Mst Shower Khela | Major | Widow | 12.5% |
| 2 | Ahmad Ullah | Minor | Son | 35% |
| 3 | Muhammad Ullah | Minor | Son | 35% |
| 4 | Mst Shah Asma Bibi | Minor | Daughter | 17.5% |

The share of minors at serial No. 2 to 4 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. 5,00,000 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. Original succession certificate be given to the petitioners' subject to surety bonds while copy of the certificate be placed on file.

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

Announced
07/03/2022

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