

Note Reader  
12/03/2022

The presiding officer is on casual leave.

File be put up for previous proceedings on 19.03.2022.

*Ullah*

Order-6  
19/03/2022

1. Petitioners through attorney and counsel present.

The petitioners seek succession certificate in respect of legacy of deceased namely Riaz Ullah, who died on 21/10/2021.

Petitioners evidence recorded and closed.

Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 09<sup>th</sup> 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 Santari Jan (Widow), 02. Fazal Mula (Son), 03. Fazal E Rabi (Son), 04. Ihsan Ullah (Son), 05. Sami Ullah (Son), 06. Shahid Ullah (Son), 07.Mst Souda (Daughter), 08. Mst Shazia (Daughter) filed the instant application. Ihsan Ullah (attorney) recorded his statement as PW-1, Idress as PW-2 and Hameed Ullah 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, The Bank Account statement of Habib Bank Limited, Main Bazar Branch District Hangu as Ex.PW-1/4 and FRC as Ex.PW-1/5. 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.

*FARMANULLAH*  
Senior Judge  
19.03.22

(ES)

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;

| S. No | Name of petitioner legal heirs | Major/minor | Relation with deceased | Share Percentage |
|-------|--------------------------------|-------------|------------------------|------------------|
| 1     | Mst Santari Jan                | Major       | Widow                  | 12.52%           |
| 2     | Fazal Mula                     | Major       | Son                    | 14.58%           |
| 3     | Fazal E Rabi                   | Major       | Son                    | 14.58%           |
| 4     | Ihsan Ullah                    | Major       | Son                    | 14.58%           |
| 5     | Sami Ullah                     | Major       | Son                    | 14.58%           |
| 6     | Shahid Ullah                   | Major       | Son                    | 14.58%           |
| 7     | Mst Souda                      | Minor       | Daughter               | 7.29%            |
| 8     | Mst Shazia                     | Minor       | Daughter               | 7.29%            |

The share of minors at serial No. 7 and 8 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. 100,000 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. Two original succession certificates be prepared; one original succession certificate be given to the petitioners subject to surety bonds of Rs.100,000/-(One lac) 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  
19/03/2022

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