

(4)

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

Petition No.....4/5 of 2024.

Date of institution.....17.01.2024.

Date of decision.....30.01.2024.

Title: Shamshad Shah etc Vs Public at Large

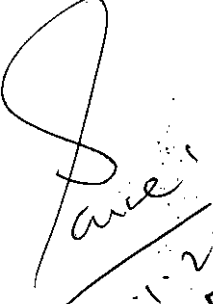
**Order -04**  
30.01.2024

Special attorney of petitioners along with counsel present.

Arguments heard and record perused.

1. Petitioner 1. Khurshida Bibi (daughter), 2. Umer Farooq (son), 3. Abdullah (son), 4. Shakir Ullah (son), 5. Rafi Ullah (minor son), 6. Shamshad Shah (son) and 7. Rafia Bibi (minor daughter) both residents of Qoum Ali Khel, Tappa Panjam, Zanka Khel, P.O Ghiljo, Tehsil Upper, District Orakzai have filed the instant petition for issuance of Succession Certificate being LRs of deceased Jalandar Shah against respondents, public at large. According to the petitioners, they are LRs of the deceased and there is no other legal heir except them. That Jalandar Shah who died on 04.12.2023. That mother of petitioners also died on 11.05.2017. Their death certificates are placed on file. That petitioners LRs of the deceased have requested for the Succession Certificate.

2. The respondents i.e., public at large was served through notice in the daily newspaper "Ausaf" dated 19.01.2024, but no one appeared before the court, so ex-parte proceedings were initiated against the respondents public at large. During ex-parte evidence, one

  
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Senior Civil Judg/JM  
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Shamshad Shah S/O Jalandar Shah being special attorney of 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, Ex. PW-1/3, Ex. PW-1/5 & Ex. PW-1/6: Nadra documents
  3. Ex. PW-1/4: Pension documents
  4. Ex. PW-2/1 and Ex. PW-3/1: Copy of CNICs of PW-02 and PW-03.
3. 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 and they confirmed that there are no other LRs of the deceased except the petitioners. The report of process server on notice for verification of LRs of deceased is also self-explanatory and is confirming the stance of the petitioners. The list of legal heirs of deceased is as under;

S. No	Name of petitioner legal heirs	Major/min or	Relation with deceased	Share percentage
1.	Khurshida Bibi	Major	Daughter	8.33%
2.	Umer Farooq	Major	Son	16.67%
3.	Abdullah	Major	Son	16.67%
4.	Shakir Ullah	Major	Son	16.67%
5.	Shamshad Shah	Major	Son	16.67%
6.	Rafi Ullah	Minor	Son	16.67%
7.	Rafia Bibi	Minor	Daughter	8.33%

4. As, there is no other legal heir of deceased and therefore considering the request of the petitioners being genuine, this application is allowed. Succession Certificate be issued in favour of petitioners being LRs of the deceased according to their Sharia

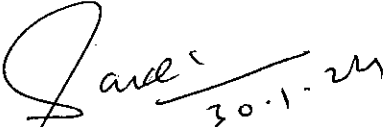
*(Signature)*  
**BAKHT ZADA**  
 Senior Magistrate  
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shares. The petitioners are directed to deposit surety bond to the tune of Rs. 200,000/- with 02 local sureties each in the like amount to the satisfaction of this court. Succession Certificate 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.

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

**Announced**  
30.01.2024

  
30.1.24

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