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

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

Date of institution.....18.01.2024.

Date of decision.....30.01.2024

Title: Makail etc Vs Public at Large

**Order -05**  
30.01.2024

Special attorney of petitioners along with counsel present.

Arguments heard and record perused.

1. Petitioners 1. Makail (son) 2. Israfeel (son), 3. Hafiz Ullah (son), 4. Abdul Asghar (son), 5. Ranjida Bibi (daughter), 6. Wahida Bibi (daughter) and 7. Lachi Wala (widow) all residents of Qaum AKhel, Tappa Dalak Nawasi, Tehsil Ismailzai, District Orakzai have filed the instant petition against respondents, public at large, for issuance of Succession Certificate being LRs of deceased Din Asghar S/O Khanzada who died on 09.11.2023. Copy of his death certificate attached. 1. That the amount of Rs. 2,152,446.00/- left as the legacy of deceased lying in account No. 1808-79003655-03 in HBL, Ghiljo. 2. That the amount of Rs. 2,562,698.98/- left as the legacy of deceased lying in account No. 1808-00010049-01 in HBL, Ghiljo. 3. That the amount of Rs. 500,000.00/- left as the legacy of deceased lying in account No. 1808-79000055-80.00 in HBL, Ghiljo. According to the petitioners, they are LRs of the deceased named above and there is no other legal heir except them.

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Orakzai J. Baher Mela  
30.1.24

(P)

2. The respondents i.e., public at large was served through notice in daily newspaper "Ausaf" dated 23.01.2023, but no one appeared before the court, so ex-parte proceedings were initiated. During the course of ex-parte evidence, one Makail 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 to Ex. PW-1/4: Nadra documents.
3. Ex. PW-1/5 to Ex. PW-1/7: Copies of bank statements.


3. PW-02 & PW-03 are the statements of Iltaf and Naimat Ullah respectively. They supported the stance of the petitioner and confirmed that there are no LR's of the deceased except the present petitioners.

1. Ex. PW-2/1 and Ex. PW-3/1: CNICs of PW-02 and PW-03.

4. 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 Muhammad Hussain, Process Server on notice for verification of LR's of deceased is self-explanatory and is confirming the fact that there is no other LR's of the deceased except the them. The list of legal heirs of deceased is as under;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share percentage
1	Makail	Major	Son	17.50%
2	Israfeel	Major	Son	17.50%
3	Hafiz Ullah	Major	Son	17.50%
4	Abdul Asghar	Major	Son	17.50%
5	Ranjida Bibi	Major	Daughter	8.75%
6	Wahida Bibi	Major	Daughter	8.75%
7	Lachi Wala	Major	Widow	12.50%

5. 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 amounts mentioned above in HBL, Ghiljo. Therefore,

  
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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. 5,000,000/- 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.

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

Announced  
30.01.2024

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