

(4)

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

Petition No.....3/5 of 2024.

Date of institution.....10.01.2024.

Date of decision.....30.01.2024.

Title: Bibi Noor Jana etc Vs Public at Large

**Order -05**  
30.01.2024

Special attorney of petitioners along with counsel present. Petitioner's evidence recorded as PW-01 & PW-02 and closed. Court fee submitted. Arguments heard and record perused.

1. Petitioner 1. Bibi Noor Jana (widow), 2. Zahid Gul (son), 3. Jamshid (son), 4. Sabida Jana (widow) and 5. Muhammad Asim (minor son) all residents of Yakho Kandao, Tehsil Upper, District Orakzai have filed the instant petition for issuance of Succession Certificate being LR's of deceased Mawiz Gul against respondents, public at large. According to the petitioners, they are LR's of the deceased and there is no other legal heir except them. That Mawiz Gul died on 20.02.2022. That petitioners being LR's 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 14.01.2024, but no one appeared before the court, so ex-parte proceedings were initiated against the respondents public at large. During ex-parte evidence, one Zahid Gul S/O Mawiz Gul 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: Copy of his CNIC.
3. Ex. PW-1/3: Copy of death certificate of Mawiz Gul.

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4. Ex. PW-1/4 & Ex. PW-1/5: Pension documents.

5. Ex. PW-2/1: Copy of CNIC of PW-02.

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 Mati Ullah process server on notice for verification of LRs of deceased is also self-explanatory and is confirming the stance of the petitioners.

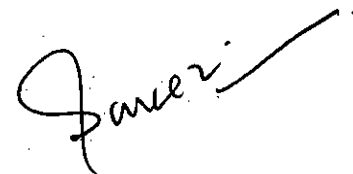
The available record on file prima facie establishes that petitioners are the legal heirs of deceased Mawiz Gul as there is nothing in rebuttal due to ex-parte. The list of legal heirs of deceased is as under;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share percentage
1.	Bibi Noor Jana	Major	Widow	6.25%
2.	Sabida Jana	Major	Widow	6.25%
3.	Zahid Gul	Major	Son	29.17%
4.	Jamshid	Major	Son	29.17%
5.	Muhammad Asim	Minor	Son	29.17%

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 shares. The petitioners are directed to deposit surety bond to the tune of Rs. 100,000/- 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



**(BAKHT ZADA)**

SCJ/Succession & Guardian Judge,  
Orakzai at Baber Mela