


Order No.06
30.06.2022

None present on behalf of petitioners. Counsel for petitioners is also not in attendance. Today, case was fixed for arguments on the point of jurisdiction of the court, however, neither petitioners nor their counsel appeared before the court.

Brief facts of the instant petition are that petitioners namely Nakmina Jan, Rainaz Begum, Nasmina Jan, Iftexhar Ali, Qadar Ali, Baqir, Khasmina Jan, Hakmela Jan, Sabir Ali, Mujtaba Hussain are seeking issuance of a Succession Certificate in their favor on the ground that they are the legal heirs/successors of deceased Sarwan Ali S/O Sabir Ali, R/O Qoum Bar Muhammad Khel, Tappa Khwaidad Khel, Mirako, Tehsil Lower, District Orakzai, who died on 07.08.2021, copy of application form for issuance of computerized death certificate is placed on file. That the deceased has left no other legal heirs except the present petitioners. That the legal heirs of the deceased are entitled to be issued Succession Certificate accordingly.


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In order to provide for an efficacious and speedy mechanism for facilitating issuance of Letters of Administration and Succession Certificates, Khyber Pakhtunkhwa Letters of Administration and Succession Certificates Act, 2021 has been passed by the Provincial Assembly. NADRA has been assigned with the duty of issuance of Succession Certificates to the legal heirs of the deceased person and for this purpose, Succession

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Facilitation Units are established. Reportedly, Succession Facilitation Unit has been established at Kalaya, Orakzai (Headquarters). The Succession Facilitation Unit grant Succession Certificates unless, there is a factual controversy and decline certificate is issued by the authority.

Record shows that petition in hand was filed on 25.03.2022. The petition is pre mature because as per Section-10 of the Khyber Pakhtunkhwa Letters of Administration and Succession Certificates Act, 2021, no court shall exercise jurisdiction till such time the authority declines to process application for issuance of the Letter of Administration or Succession Certificates by the legal heirs. No Decline Certificate is annexed with the petition. Petitioners have not approached the authorities concerned i.e. NADRA, for grant of Succession Certificate. Petition is barred by law. Resultantly, stands dismissed.

File be consigned to record room after necessary completion and compilation.

Announced
30.06.2022


Zahir Khan
CJ-I, Tehsil Kalaya, Orakzai