

04

Order-05
20/07/2022

The case file is fixed for 21.07.2022, the day on which, the undersigned will be busy in recruitment process being a Chairman of Departmental Selection Committee, therefore, PP be given to the parties for the date fixed.

File be put up for previous proceedings on 28.07.2022.



Rehmat Ullah Wazir
Senior Civil Judge/JM,
Orakzai at Baber Mela

Order -06
28/07/2022


1. Petitioners present through counsel and attorney.

Petitioner's evidence recorded and closed.


Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 28.06.2022 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 Lal Mina (Widow), 02. Khial Badin (Son), 03. Asif Khan (Son), 04. Arif (Son), filed the instant application. Khial Badin (attorney) recorded his statement as PW-1, Muhammad Raheel as PW-2 and Abdul Khaliq as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, death certificate of deceased as Ex.PW-1/3, FRC as Ex. PW-1/4. 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.



REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela



The available record on file prima facie establishes that petitioners are the legal heirs of deceased Payo Din as there is nothing in rebuttal. Hence, 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 Lal Mina	Major	Widow	12.5%
2	Khial Badin	Major	Son	29.17%
3	Asif Khan	Major	Son	29.17%
4	Arif	Major	Son	29.17%

The share of minors if any 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. 500,000/- 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. 500,000/- (five lacs) with two local sureties, while one be retained and placed on judicial file for record.

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

Announced
28/07/2022


(REHMAT ULLAH WAZIR)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)
REHMAT ULLAH WAZIR
Senior Civil Judge/JM,
Orakzai at Baber Mela