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**Or.....11**  
**06.07.2022**

Attorney of petitioners present. Respondents have already been placed ex-parte.

Through this order, this Court is going to dispose of an application submitted by the petitioners for provision of Succession Certificate. Ex-parte arguments already heard and record perused.

Brief facts of the instant petition are that petitioners seek issuance of a Succession Certificate in their favour on the ground that they are the legal heirs/successors of deceased Shabar Ali S/O Ambar Ali R/O Qoum Mani Khel, Tappa Mirwas Khel, Qalat, Tehsil Lower, District Orakzai who died on 04.02.2020, copy of death certificate is placed on file. That the deceased has left no other legal heir except the petitioners. That the deceased has left an amount of Rs: 100,000/- in Special Savings Certificate No. JH 122166, amount of Rs: 100,000/- in Special Savings Certificate No. JH 122165 and amount of Rs: 10,000/- in Special Savings Certificate No. GH 939763, Kohat Saving Center and for encashment of the said amount, Succession Certificate is required to the petitioners. That petitioners approached NADRA authorities for grant of Succession Certificate but the request was declined due to factual controversy as petitioner Furqan Ali and Hamsha Gul are minors.



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**Kalaya Orakzai**

Notice was issued in the name of General Public in Newspaper "AUSAF", however, no one attended the Court from the general public, hence, placed and proceeded ex-parte.

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Accordingly, petitioners were given opportunity to produce their ex-parte evidence. Consequently, they produced 03 witnesses.

Raeed Ali s/o Rayaz Ali, relative of petitioners, appeared and recorded his statement as PW-1. Photocopy of his CNIC is Ex-PW1/1. He stated that there are no other legal heirs except the present petitioners.

Musharaf Ali, another relative of petitioners, appeared and deposed as PW-02. He supported the claim of petitioners. Photocopy of his CNIC is Ex-PW2/1.

Iftekhhar Ali (attorney of petitioners), appeared and deposed as PW-03. Death Certificate of Shabeer Ali is Ex. PW-3/1. Form B of minors/petitioners is Ex. PW-3/2. CNICs of petitioners are exhibited as Ex. PW-3/3 to Ex. PW-3/7. Saving Certificates are exhibited as Ex. PW-3/8 to Ex. PW-3/10. His power of attorney and decline certificate issued by NADRA is Ex. PW-3/11 and Ex. PW-3/12. He supported the claim of petitioners.

From the statements of PWs, it is clear that there are no other legal heirs of the deceased except the present petitioners.

Likewise, Court bailiff was directed to verify the list of legal heirs of deceased Shabar Ali S/O Ambar Ali, who submitted his report wherein it was verified that petitioners are the legal heirs of the deceased Shabar Ali.



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In the absence of any rebutting evidence, petition in hand is accepted and the petitioners are hereby declared as the legal heirs of the deceased named above. It is also admitted fact that after the death of a person, legally his legal heirs are entitled for the issuance of Succession Certificate for the purpose subject to any special

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rules with regard to receiving of the amount along with any other benefits to which the family of the deceased are entitled. Hence, the legal heirs of the deceased Shabar Ali are hereby declared entitled to receive the amount in question as per rules and regulations from the bank/center concerned. Succession Certificate be issued in favour of the petitioners on furnishing surety bonds/undertaking in the sum of Rs: 200,000/- with two local & reliable sureties each in the like amount to the satisfaction of this Court to the effect that if there appears any other legal heir of the deceased except above named legal heirs, they would be responsible to the Court, along with a blank stamp paper.

*Before closing, it is pertinent to mention that this certificate does not confer any title to the holder of the certificate and does not conclusively determine the shares in the securities/debts, rather this certificate is issued with the sole purpose to recover the securities/debts from the department concerned. Thus any person (s), if aggrieved, may press his/their rights through a suit before a competent Forum and to recover the amount received on the basis of said certificate to the extent of his/their shares on the basis thereof. Similarly, this certificate does not place bar on the right of any aggrieved person to establish his/their title and entitlement*

*in the dues of the deceased before a competent court of jurisdiction. Furthermore, this certificate imposes a duty on the holder to distribute the securities/debts realized under this certificate amongst the persons entitled in accordance with their respective rights.*



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File be consigned to record room after its completion &  
compilation.

**Announced in open Court.**  
**06.07.2022**



**Zahir Khan**  
Civil Judge-I/Guardian Judge,  
Kalaya, Orakzai

**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**