

Order-03
28/07/2022

1. Petitioners present through attorney and counsel.

Inquiry notice has been returned and placed on file. Publication received but none present on behalf of public at large. Hence, public at large is proceeded ex-parte.

Ex-parte petitioner's evidence recorded as PW-01 to PW-03 and closed.

Ex-parte arguments heard and record gone through.

The petitioners seek succession certificate in respect of legacy of deceased namely Khial Din who died on 26/12/2021.

2. Through publication in daily newspaper "Ausaf" dated; 26th July, 2022 general public was asked to submit objections, if any, however, no one appeared before the court, so proceeded ex-parte.

3. Petitioner No. 01. Muhammad Tariq (Son), 02. Mst Bibi Saida (daughter), 03 Mst Ajmira (Widow) filed the instant application.

Muhammad Tariq recorded his statement as PW-1, Said Gul as PW-2 and Ameen Gul as PW-03 testified respectively. PW-1 submitted his

power of attorney as Ex.PW-1/1, copy of death certificate of deceased as Ex.PW-1/3, bank statement 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.

4. The available record on file prima facie establishes that petitioners and respondents No.3 and 4 are the legal heirs of deceased Khial Din as there is nothing in rebuttal. Hence, petitioners along with respondents No. 3 and 4 will inherit the legacy of deceased as per following shares;

(4)

| S. No | Name of petitioner legal heirs | Major/minor | Relation with deceased | Share Percentage |
|-------|--------------------------------|-------------|------------------------|------------------|
| 1 | Mst Ajmira | Major | Widow | 12.5% |
| 2 | Muhammad Tariq | Major | Son | 25% |
| 3 | Sharaf Ud Din | Major | Son | 25% |
| 4 | Muhammad Din | Major | Son | 25% |
| 5 | Mst Bibi Saida | Major | Daughter | 12.5% |

5. As, there is no other legal heir of deceased and considering the request of the petitioner being genuine this application is allowed along with accrued profit and Succession Certificate is issued in favour of petitioner and respondent No. 3 and 4, subject to surety bond/undertaking to the tune of Rs. 500,000/- (five lacs) with 02 local sureties each in the like amount to the satisfaction of this court. If any legal heir/objector appear in future, the petitioner 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