

Order -01
28/07/2022

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1. Petitioners present through counsel and attorney.

Vide my order of today in miscellaneous petition No. 19/5 date of institution 28.07.2022, proceeding in the instant petition have been restored. Muharrir is directed to register the same with its old Neem number.

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.

Petitioner's evidence recorded and closed.

Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 25.06.2022 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. Momin Khan (Son), 02. Mst Bibi Najida (Daughter) filed the instant application. Muhammad Arshad (attorney)

recorded his statement as PW-1, Muhammad Shanif as PW-2 and Rehman Ullah 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, statement of bank as Ex.PW-1/4 and FRC as Ex.PW-1/5. 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.

The available record on file prima facie establishes that petitioners are the legal heirs of deceased Mst Zainaba as there is nothing in rebuttal. Hence, petitioners will inherit the legacy of deceased as per following shares;


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

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S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share Percentage
1	Momin Khan	Major	Son	66.67%
2	Mst Najida Bibi	Major	Daughter	33.33%

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)
S.C./Succession & Guardian Judge,
Orakzai (Baber Mela)

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