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Or.....04
07.07.2022

Attorney of petitioners along with counsel present. Respondents have already been placed ex-parte. Ex-parte evidence recorded as PW-01 to PW-03 and closed. Ex-parte arguments heard and record perused.

Through this order, this Court is going to dispose of an application submitted by the petitioners for provision of Succession Certificate.

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 only legal heirs/successors of deceased Syed Jaffar Hussain S/O Syed Lal Akbar R/O Quom Bar Muhammad Khel, Tappa Baba Nawasi, village Khamal, Tehsil Lower, District Orakzai who was serving in FC and he died on 16.06.1980, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the petitioners. That petitioners are entitled to receive Rs. 300,000/- left as legacy by the deceased as per their sharia shares. That petitioner No.1 being widow of the deceased is entitled to the family pension of deceased and have requested for the Succession Certificate accordingly. That they approached NADRA for grant of Succession Certificate but it was declined for the reason that deceased is MNIC holder, therefore, there is a factual controversy and they are issued decline certificate accordingly.

Notice was issued in the name of General Public in News Paper Daily "KHABRAIN", however, no one attended the Court from the general

public, hence, placed and proceeded ex-parte. Accordingly, petitioners were given opportunity to produce ex-parte evidence.

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Civil Judge, J
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Petitioner No. 2 namely Muhammad Shabbir S/O Syed Jaffar Hussain (attorney for plaintiff No. 1), appeared and recorded his statement as PW-01. Copy of his CNIC is Ex. PW-1/1. Power of attorney is Ex-PW-

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1/2. Copy of his father's MNIC is Ex. PW-1/3. Death certificate of deceased Syed Jaffar Hussain is Ex. PW-1/4. Decline certificate issued by NADRA is Ex. PW-1/5. News Paper and Family Tree is Ex. PW-1/6 and Ex. PW-1/7. He lastly requested for issuance of Succession Certificate in favour of petitioners.

Syed Inayat Ali Shah, relative of petitioners appeared and deposed as PW-02. Photocopy of his CNIC is Ex-PW-2/1. He verified that the petitioners are the legal heirs of deceased Syed Jaffar Hussain.


Syed Awan Shah, relative of petitioners appeared and deposed as PW-03. Photocopy of his CNIC is Ex-PW-3/1. He also verified that the petitioners are the legal heirs of deceased Syed Jaffar Hussain.

Likewise, court bailiff was directed to verify the list of legal heirs of deceased Syed Jaffar Hussain, who submitted his report wherein it was verified that the petitioners are the legal heirs of deceased Syed Jaffar Hussain.

In the absence of any rebutting evidence, petitioners are hereby declared as the legal heirs of the deceased named above. Succession Certificate be issued in favour of the petitioners on furnishing surety bonds/undertaking in the sum of Rs: 200,000/- (two lac) 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.

As far as transfer of family pension in the name of petitioner No.1 is concerned, it is run through pension rules framed by the Government.

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


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Civil Judge (M)
Kalaya Orakza

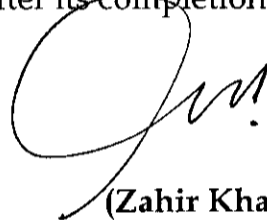
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certificate is issued with the sole purpose to recover the securities/debts from the department concerned. Thus any person(s), if aggrieved, may press his/their rights through a suit before a competent Forum and to recover the amount received on the 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.

In case, if there is any minor (s) legal heir, then share of the minor (s) be kept intact and shall not be dispose of without prior permission of the Court.

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

Announced:
07.07.2022



(Zahir Khan)
Civil Judge-I/Guardian Judge,
Kalaya, Orakzai

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai