


Or.....04
13.09.2022

Petitioner No. 1 along with counsel present. Petitioner No. 2 and No. 3 are minor sons of petitioner No. 1. Publication received. None present for public at large, therefore, respondents are placed ex-parte. List of witnesses submitted. Ex-parte evidence of petitioners recorded as PW-01 to PW-03. Ex-parte arguments also 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 Qalam Shah S/O Khalid Shah, R/O Qaum Bezote, Tappa Mir Kali Khel, Village Star Bezote, Tehsil Lower, District Orakzai who died on 26.07.2021, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the petitioners. That petitioners Bibi Jan (Widow), Abdul Shakoor and Muhammad Awais Khan (sons) are entitled to receive Rs. 56,729/- lying in The Bank of Khyber (Account No. 3002288957) left as legacy by the deceased as per their sharia shares. That petitioners are entitled to receive the Succession Certificate accordingly. That they approached NADRA for grant of Succession Certificate but it was declined for the reason that petitioner No. 2 and No. 3 are minors (legal heirs), therefore, there is a factual controversy and they are issued decline certificate accordingly.


13/09/2022
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Notice was issued in the name of General Public in News Paper Daily "AWSAF", 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.

Petitioner No. 1 namely Bibi Jan W/O Qalam Shah herself appeared and recorded her statement as PW-01. She stated that petitioners are legal heirs of the deceased Qalam Shah. Copy of her CNIC is Ex. PW-1/1. Death Certificate of deceased Qalam Shah is Ex. PW-1/2. Bank statement (02 pages), Family Tree and Decline Certificate issued by NADRA are Ex. PW-1/3 to Ex. PW-1/5. She lastly requested for issuance of Succession Certificate in favour of petitioners.


Muhammad Tariq, 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 Qalam Shah.

Taza Gul, 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 Qalam Shah.

Likewise, court bailiff was directed to verify the list of legal heirs of deceased Qalam Shah, who submitted his report wherein it was verified that the petitioners are the legal heirs of deceased named above.

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:- 100,000/- (One 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


13/09/2022
ZAHIR KHAN
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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.

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:
13.09.2022



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