


Or.....04
15.11.2022

Petitioner No. 5 for himself and a special attorney for rest of the petitioners along with counsel present. Respondents have already been placed ex-parte. Ex-parte arguments already heard and record perused.

Through this order, this Court is going to dispose of an application submitted by the petitioners namely Ikhtiar Begum and eight others for provision of Succession Certificate.

Brief facts of the instant petition are that petitioners seek issuance of Succession Certificate in their favour on the ground that they are the legal heirs/successors of deceased Kausar Ali S/O Hazphol Hussain, R/O Qaum Mani Khel, Tappa Ahmad Khel, Tehsil Lower, District Orakzai who died on 07.07.2022, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the present petitioners. That the deceased has left an amount of Rs.1,700,000/- lying in account No. 111200140002405 in National Saving Centre, Kohat 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 the reason that petitioner namely Ulfat Shireen is minor and there exists a factual controversy.


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Notice was issued in the name of General Public in Newspaper "AWSAF"; however, no one attended the Court from

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the general public, hence, placed and proceeded ex-parte. Accordingly, petitioners were given opportunity to produce their ex-parte evidence. Consequently, they produced 03 witnesses.


Shabir Ali and Mutajir Ali, co-villagers of petitioners appeared and recorded their statement as PW-01 and PW-02 respectively. Photocopies of their CNIC are Ex. PW-1/1 and Ex. PW-2/1 respectively. They stated that petitioners are the legal heirs of deceased Kausar Ali who died on 07.07.2022.

Petitioner No. 5/special attorney appeared and deposed as PW-03. Special power of attorney is Ex. PW-3/1. Copy of his CNIC is Ex. PW-3/2. Photocopies of death certificate of deceased Kausar Ali and Saving Certificate are Ex. PW-3/3 and Ex. PW-3/4. He stated that petitioners are legal heirs of the deceased. That his father died on 07.07.2022 and he has left Rs.1,700,000/- lying in National Savings Centre, Kohat and there are no other legal heirs except the present 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 Kausar Ali, who submitted his report wherein it was verified that petitioners are the legal heirs of the deceased.

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


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of Succession Certificate for the purpose subject to any special 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 Kausar 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: 500,000/- with two local & reliable sureties each in the like amount to the satisfaction of this Court along with a blank stamp paper 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.

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

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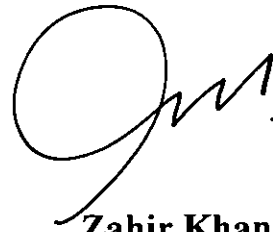
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certificate amongst the persons entitled in accordance with their respective rights.

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 in open Court.
15.11.2022



Zahir Khan
Civil Judge/Succession Judge-I,
Kalaya, Orakzai