

Or.....16  
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Petitioner present through counsel. Respondents have already been placed ex-parte. Further 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 legal heirs/successors of deceased Syed Inayat Hussain S/O Zameen Asghar, R/O Qaum Bar Muhammad Khel, Tappa Baba Nawasi, Kalaya, Tehsil Lower, District Orakzai who died on 25.02.2021, 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:1136.50/- lying in Allied Bank while amount of Rs. 41 lacs lying in National Saving Centre 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 for the reason that one or more legal heirs are minor and there exists factual controversy.

Notice was issued in the name of General Public in Newspaper "MASHRIQ"; however, no one attended the Court from the general public, hence, placed and proceeded ex-parte.

  
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Accordingly, petitioners were given opportunity to produce their ex-parte evidence. Consequently, they produced 03 witnesses.

Petitioner No. 1, Zamin Asghar who is also special attorney for petitioner No. 2 to 8 appeared and recorded his statement as PW-01. He reiterated the averments of petition. Copy of special power of attorney is Ex. PW-1/1. Photocopy of death certificate of deceased Syed Inayat Hussain and FRC are Ex. PW-1/2 and Ex. PW-1/3. That his father died on 25.02.2021.

Syed Sagheer Hussain and Syed Lal Ibrahim, relatives of petitioners, appeared and deposed as PW-02 and PW-03 respectively. They stated that petitioners are the legal heirs of deceased Syed Inayat Hussain who died on 25.02.2021. Photocopies of their CNICs are Ex. PW-2/1 and Ex. PW-3/1 respectively.

Likewise, Court bailiff was directed to verify the list of legal heirs of deceased Syed Inayat Hussain S/O Zameen Asghar, who submitted his report wherein it was verified that petitioners are the legal heirs of the deceased.

Per averments of petition, petitioners are the successors/legal heirs of deceased namely Syed Inayat Hussain who died on 25.02.2021 and an amount of Rs.113,650/- is lying in Allied Bank while Rs. 41 lacs are lying in National Saving Centre in shape of Saving Certificates. During course of recording ex-parte evidence, not a single document/paper was produced and exhibited which could show that the above-mentioned amount is left as legacy by

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deceased Syed Inayat Hussain. Petitioner No. 1 who is also special attorney of rest of the petitioners deposed as PW-01. He deposed that an amount of Rs. 4 lacs are lying in shape of National Saving Centre. Petitioner No. 1/special attorney produced copies of account statement during course of arguments as per which, closing balance is Rs.4,200,780.79/- on 28.08.2022 in account No. 000273769466 in the name of Bibi Sheena petitioner No. 3 (widow of deceased). Closing balance is Rs. 1,136.50/- in account No. 000208736028 in the name of deceased Syed Inayat Hussain of United Bank Limited. There is not a single documentary proof on record which could show that the amount alleged by petitioners is lying in Allied Bank or National Saving Centre in shape of Saving Certificates. An amount of Rs. 4,200,780.79/- has already been transferred/deposited in the account of widow of deceased namely Bibi Sheena, who is petitioner No. 3.

Hence, petition in hand stand dismissed.

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

**Announced in open Court.**  
**28.10.2022**



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