

Or.....06

30.11.2022

Special attorney namely Moin Ali 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 Mst. Shamida Bibi and six 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 only legal heirs/successors of deceased Riqab Ali S/O Nijat Ali R/O Qaum Sipoye, Tappa Mitha Khan, Tehsil Lower, District Orakzai who was serving in Police department and died on 06.09.2022, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the present petitioners. That petitioners are entitled to receive Rs.51,645/- 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 Sonina Batool, Wajiha Zahra, Zain Haider and Razmeen Ali are minors, 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 "AWSAF", however, no one attended the Court from the general



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

Moin Ali (special attorney), appeared and recorded his statement as PW-01. Special power of attorney is Ex-PW-1/1. Death certificate of deceased Riqab Ali is Ex. PW-1/2. Form B of minors is Ex. PW-1/3. Copy of bank statement is Ex. PW-1/4. Family Tree is Ex. PW-1/5. Decline certificate issued by NADRA is Ex. PW-1/6. He lastly requested for issuance of Succession Certificate in favour of petitioners.

Musawir Abbas and Baseer Muhammad, relatives of petitioners appeared and deposed as PW-02 and PW-03 respectively. Photocopies of their CNICs are Ex-PW-2/1 & Ex. PW-3/1 respectively. They verified that the petitioners are the legal heirs of deceased Riqab Ali.

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

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.



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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. Department concerned to proceed per law. Petitioners are entitled to any other benefit from the legacy of deceased as per law.

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:
30.11.2022



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