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Order No.03  
30.06.2022

Petitioner No. 2 namely Khyal Bat Khan along with counsel present. Arguments on the point of jurisdiction of the court heard and record perused.

Brief facts of the instant petition are that petitioners namely Khorma Bibi and Khyal Bat Khan are seeking issuance of a Succession Certificate in their favor on the ground that they are the legal heirs/successors of deceased Maseen Shah S/O Baidar Khan, R/O Mishti, Tappa Darwi Khel, Tehsil Lower, District Orakzai, who was serving in Orakzai Levi Khasadar Force and he died on 13.02.2021, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the present petitioners. That the legal heirs of the deceased are entitled to be issued Succession Certificate accordingly.

In order to provide for an efficacious and speedy mechanism for facilitating issuance of Letters of Administration and Succession Certificates, Khyber Pakhtunkhwa Letters of Administration and Succession Certificates Act, 2021 has been passed by the Provincial Assembly. NADRA has been assigned with the duty of issuance of Succession Certificates to the legal

heirs of the deceased person and for this purpose, Succession

Facilitation Units are established. Reportedly, Succession

Facilitation Unit has been established at Kalaya, Orakzai

(Headquarters). The Succession Facilitation Unit grant Succession

*JM*  
30/06/2022

**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai

(4)

Certificates unless, there is a factual controversy and decline certificate is issued by the authority.

Record shows that petition in hand was filed on 21.06.2022. The petition is pre mature because as per Section-10 of the Khyber Pakhtunkhwa Letters of Administration and Succession Certificates Act, 2021, no court shall exercise jurisdiction till such time the authority declines to process application for issuance of the Letter of Administration or Succession Certificates by the legal heirs. No Decline Certificate is annexed with the petition. Petitioners have not approached the authorities concerned i.e. NADRA, for grant of Succession Certificate. Petition is barred by law. Resultantly, stands dismissed.

File be consigned to record room after necessary completion and compilation.

**Announced**  
30.06.2022



**Zahir Khan**  
CJ-I, Tehsil Kalaya, Orakzai

**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**