

Order -03
29/11/2022

1. Petitioners present through counsel and attorney.

Inquiry report has been returned and placed on file. Publication received but none present on behalf of public at large. Hence, public at large is proceeded ex-parte.

Counsel for the petitioners submitted an application for the correction of name of the petitioner No. 5 as Muhammad Tameem instead of Muhammad Naseem by contending that the correct name of petitioner No. 5 is Muhammad Tameem but inadvertently it has been mentioned as Muhammad Naseem. Petitioners has already annexed copy of his Form -B with petition. The perusal of which depicts that his name has been mentioned as Muhammad Tameem, hence request of petitioners is accepted and the name of petitioner No. 5 is corrected as Muhammad Tameem instead of Muhammad Naseem. Muharrir of the court is directed to correct the same with red ink in the petition.

Petitioner's evidence recorded and closed.

Arguments heard and record perused.

Through publication in daily newspaper "Ausaf" dated; 26th November, 2022 general public was asked to submit objections, if any, however, no one appeared before the court, so ex-parte proceedings were conducted.

Petitioners 1) Zubaida Jalil (Widow), 2) Khial Zarina (Mother), 3) Sarfaraz (Brother), 4) Muhammad Hayat (Brother), 5) Muhammad Tameem (Son), 6) Mst Bibi Zeena (Daughter), 07) Refaat (Son), 08) Muhammad Sodis (Son) filed the instant application. Sarfaraz (attorney) recorded his statement as PW-1, Muhammad Saleem as PW-2 and Talib-u-Rehman as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2. All the


REHMAT ULLAH WAZIR
Senior Civil Judge
Orakzai at Baber Mela

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exhibited documents, publication and report of process server etc. are placed on file. Contents of the petition were reproduced and verified by the witnesses.

The available record on file prima facie establishes that petitioners No. 1, 2, 5 to 8 are the legal heirs of deceased Muhammad Jalil as there is nothing in rebuttal. Hence, petitioners No. 1, 2, 5 to 8 will inherit the legacy of deceased as per following shares while the petitioners No. 3 and 4 are not entitled to collect the amount from the concerned department as they are not the legal heirs of deceased.

S. No	Name of petitioner legal heirs	Major/minor	Date of Majority	Relation with deceased	Share Percentage
1	Mst Khial Zarina	Major	N.A	Mother	16.66%
2	Mst Zubaida Jalil	Major	N.A	Widow	12.5%
3	Muhammad Tameem	Minor	01.01.2027	Son	20.24%
4	Refaat	Minor	05.05.2033	Son	20.24%
5	Muhammad Sodis	Minor	18.05.2036	Son	20.24%
6	Mst Bibi Zeena	Minor	01.01.2029	Daughter	10.12%

The share of minors at serial No. 3 to 6 be deposited to the official account of Senior Civil Judge, Orakzai. The petitioners at serial No. 3 to 6 will attend majority on the date mentioned in the certificate and their guardian will automatically cease to be a guardian on their respective dates of majority as mentioned above and they will be entitled to collect the amount from the concerned department as per their entitlement in the succession certificate.


5. As, there is no other legal heir of deceased and considering the request of the petitioners being genuine this application is allowed along with accrued profit and Succession Certificate is issued in favour of petitioners, subject to surety bond/undertaking to the tune of Rs. 500,000/- with 02 local sureties each in the like amount to the satisfaction of this court. If any legal heir/objector appear in future, the petitioners and the sureties will be responsible for the payment. Parties are left to bear their own cost. Original succession certificate be given to the

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petitioners' subject to surety bonds while copy of the certificate be placed on file.

6. File be consigned to the Record Room after its necessary completion and compilation.

Announced
29/11/2022


(REHMAT ULLAH WAZIR)
SCJ/Succession & Guardian Judge,
Orakzai (Babera Mela)