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IN THE COURT OF BAKHT ZADA, SENIOR CIVIL JUDGE/SUCCESSION & GUARDIAN JDUGE, ORAKZAI

Petition No.....2/5 of 2024.

Date of institution.....08.01.2024.

Date of decision.....27.02.2024

Title: Mst. Nazar Khela Vs Public at Large

Order -08
27.02.2024

Special attorney of petitioners along with counsel present.

Arguments heard and record perused.

1. Petitioners 1. Nazar Khela (widow), 2. Muhammad Javid (minor son) and 3. Ajida (minor daughter) all residents of Qoum Ali Khel, Tappa Aimal Khan Khel, Tehsil Upper, District Orakzai have filed the instant petition against respondents, public at large, for issuance of Succession Certificate in respect of LRs of deceased Daryab Khan. According to the above-named petitioners, they are LRs of the deceased and there is no other legal heir except them.

2. Notice to respondents i.e., public at large was issued in daily newspaper "Ausaf" dated 14.01.2024, but no one appeared before the court, so ex-parte proceedings were initiated against the respondents public at large. During ex-parte evidence, one Muhammad Ayub Khan S/O Gul Asghar being special attorney of the petitioners appeared as PW-03. He produced the following documents.

1. Ex. PW-3/1: Special power of attorney
2. Ex. PW-3/2: Copy of his CNIC
3. Ex. PW-3/3 & Ex. PW-3/4: Copies of death certificates
4. Ex. PW-3/5: Copy of passport of deceased

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5. Ex. PW-3/6 & Ex. PW-3/7: Nadra documents

6. Ex. PW-1/1 and Ex. PW-2/1: CNICs of PW-01 and PW-02

3. All the 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 report of Naimat Ullah Process Server on notice for verification of LRs of deceased is also self-explanatory and is confirming the stance of the petitioners.

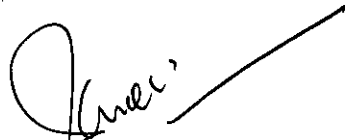
4. The available record on file prima facie establishes that petitioners are the legal heirs of deceased Rasool Akbar as there is nothing in rebuttal due to ex-parte. The list of legal heirs of deceased is as under;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share percentage
1.	Nazar Khela	Major	Widow	12.50%
2.	Muhammad Javid	Minor	Son	58.33%
3.	Ajida	Minor	Daughter	29.17%

5. As, there is no other legal heir of deceased and considering the request of the petitioners being genuine, this application is allowed. Therefore, Succession Certificate is hereby issued in favour of petitioners being LRs of the deceased according to their Sharia shares. The petitioners are directed to deposit surety bond to the tune of Rs. 400,000/- with 02 local sureties each in the like amount to the satisfaction of this court. Succession Certificate be issued on the stamp paper and copy of the same be placed on file. 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.

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

Announced
27.02.2024


(BAKHT ZADA)
SCJ/Succession & Guardian Judge,
Orakzai at Baber Mela