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

Petition No.....08/05 OF 2024.

Date of institution.....01.03.2024.

Date of decision.....19.03.2024.

Title: Umar Jana etc Vs Public at Large

**Order -06**  
19.03.2024.

Special attorney of petitioners along with counsel present.

Decline certificate submitted which is placed on file.

Arguments heard and record perused.

1. Petitioners 1. Umar Jana (widow) 2. Rokhsana Bibi (daughter), 3. Nasrat Gul (son), 4. Umar Bibi (Daughter), 5. Wajida Bibi (daughter) and 6. Muhammad Yasir (son) all residents of Qaum Mamozai, Tappa Addo Khel, Tehsil Upper, District Orakzai have filed the instant petition against respondents, public at large, for issuance of Succession Certificate being LRs of deceased Muhammad Sharif. That the amount of Rs. 824,067.73/- left as the legacy of deceased lying in account No. 012110163158 in United Bank Limited, Hangu road, Kohat. According to the petitioners, they are LRs of the deceased named above and there is no other legal heir except them. That they approached NADRA for grant of Succession Certificate but it was declined for the reason that petitioner No. 6 namely Muhammad Yasir is minor, therefore, there is a factual controversy and they are issued decline certificate accordingly. Decline certificate is placed on file.

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2. The respondents i.e., public at large was served through notice in daily newspaper "Ausaf" dated 06.03.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During the course of ex-parte evidence, one Muhammad Khan S/O Gul Rehman being special attorney of the petitioners appeared as PW-01. He produced the following documents.

1. Ex. PW-1/1: Special power of attorney.
2. Ex. PW-1/2 & Ex. PW-1/3: Nadra documents.
3. Ex. PW-1/4: Copy of death certificate of deceased.
4. Ex. PW-1/4: Copy of bank statement.
5. Ex. PW-1/5: Copy of FRC.

4. PW-02 & PW-03 are the statements of Muhammad Ghani and Muhammad Ilyas respectively. They supported the stance of the petitioner and confirmed that there are no LRs of the deceased except the present petitioners.

1. Ex. PW-2/1 and Ex. PW-3/1: CNICs of PW-02 and PW-03.

5. 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 Hamdan Shah, Process Server on notice for verification of LRs of deceased is self-explanatory and is confirming the fact that there is no other LRs of the deceased except the them. 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	Umar Jana	Major	Widow	12.50%
2	Rukhsana Bibi	Major	Daughter	12.50%
3	Nasrat Gul	Major	Son	25.00%
4	Umar Bibi	Major	Daughter	12.50%
5	Wajida Bibi	Major	Daughter	12.50%
6	Muhammad Yasir	Minor	Son	25.00%


*S. Akbar*  
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6. As, there is no other legal heir of deceased and considering the request of the petitioners being genuine, this application is allowed in respect of the amount Rs. 824,067.73/- left as the legacy of deceased lying in account No. 012110163158 in United Bank Limited, Hangu road, Kohat. Therefore, Succession Certificate is hereby issued in favour of petitioners being LR's of the deceased according to their Sharia shares. The petitioners are directed to deposit surety bond to the tune of Rs. 800,000/- 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.

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

Announced  
19.03.2024

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