

IN THE COURT OF ZAHIR KHAN, CIVIL JUDGE-I/GUARDIAN
JUDGE, KALAYA, ORAKZAI

Petition No. 5/5 Date of institution: 09.05.2024 Decided: 16.05.2024

Sajid Hussain etc

vs

1. Public at large
2. Mintaj Hussain S/O Malik Muhammad Din Khan R/O Orakzai
presently Iraq
.....(Respondents)

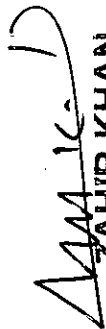
Order -03
16.05.2024

Special attorney for petitioners, along with counsel present. Inquiry report received and placed on file. Respondents absent despite service through publication, hence, placed and proceeded against ex-parte. PWs present and ex-parte evidence of petitioners recorded as PW-01 to PW-03 and closed.

Petitioner No. 1) Sajid Hussain (son), 2) Hayat Hussain (Son), 3) Ahmad Hussain (Son), 4) Mst. Shazia (Daughter), 05) Mst. Lailoma Jan (Daughter) and 06) Mst. Muqbara (widow) have filed the instant petition for grant of succession certificate in their favour on the ground that they are the legal heirs/successors of deceased Malak Muhammad Din Khan.

Notice was issued in the name of respondents; however, no one attended the court from the respondents, hence, placed and proceeded ex-parte. Accordingly, petitioners were given opportunity to produce ex-parte evidence.

During course of recording evidence, Sajid Husain (Special attorney) recorded his statement as PW-1, Zameer Ali as PW-2 and

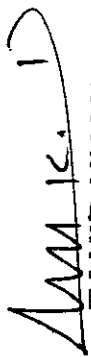

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Ashiq Ali as PW-3 respectively. PW-1 submitted copy of his CNIC as Ex.PW-1/1, special power of attorney as Ex.PW-1/2, copy of death certificate of deceased as Ex.PW-1/3, decline certificate as Ex.PW-1/4, copy of National Saving Center, Customer Investment Summary, (consisting of 02 sheets) as Ex.PW-1/5, FRC as Ex.PW-1/6 and Form "B" as Ex.PW-1/7. National Saving Center, Customer Investment Summary, (consisting of 02 sheets) shows National Saving Certificate Nos. as (1) EC477284 (Rs. 500,000/-), (2) DG739459 (Rs. 100,000/-), (3) DG739460 (Rs. 100,000/-), (4) DG739461 (Rs. 100,000/-), (5) DG739462 (Rs. 100,000/-), (6) DG739463 (Rs. 100,000/-), (7) DG739552 (Rs. 100,000/-), (8) DG739553 (Rs. 100,000/-), grand total: Rs. 1,251,661.34/-. Contents of the petition were reproduced and verified by the witnesses.

The available record on file prima facie establishes that petitioners are the legal heirs of deceased Malik Muhammad Din Khan as there is nothing in rebuttal. Hence, petitioners will inherit the legacy of deceased as per shari shares.

In the absence of any rebutting evidence, petitioners along with respondent No.2 are hereby declared as the legal heirs of the deceased named above. Succession Certificate be issued on furnishing surety bonds/undertaking in the sum of Rs: 1,200,000/- (twelve 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.

Before closing, it is pertinent to mention that this certificate does not confer any title to the holder of the certificate and does not


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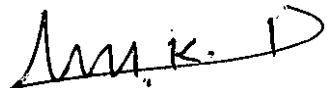
conclusively determine the shares in the securities/debts, rather this certificate is issued with the sole purpose to recover the securities/debts from the department concerned. Thus, any person(s), if aggrieved, may press his/their rights through a suit before a competent forum and to recover the amount 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.

Pertinent to mention that respondent No. 2 namely Mintaj Hussain is also son of deceased Malik Muhammad Din Khan, therefore, he is equally entitled to his shari share in the legacy of deceased father, hence, his share will also be determined/ given in the succession certificate.

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 the record room after its necessary completion and compilation.

Announced
16.05.2024



(Zahir Khan)
CJ-I/Succession & Guardian Judge,
Tehsil Kalaya, Orakzai