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

Petition No.....09/05 OF 2024.

Date of institution.....17.05.2024..

Date of decision.....30.05.2024.

Title: Qismat Bibi etc Vs Public at Large

Order -04
30.05.2024

Special attorney of petitioners along with counsel present.

Counsel for the petitioners submitted an application to the effect that Bakhtawara was also wife of deceased Khial Bat Khan and her name be added in the panel of petitioners being legal heir. He requested for acceptance of the instant application. Arguments heard and record perused.

1. As per record and the declined certificate produced by the special attorney of the petitioners, the name of Bakhtawara is mentioned in the legal heirs of the deceased Khial Bat Khan. Thus, in the interest of justice, I hereby accept the instant application. Name of Bakhtawara be added in the panel of the petitioners. Application disposed off accordingly. Moharrir is directed to do the needful.

Petitioner's evidence present and recorded as PW-01 to PW-03 and closed. Arguments heard and record perused.

Petitioners 1. Qismat Bibi (widow) 2. Bakhtawara (widow), 3. Hidayat Ullah (son), 4. Muhammad Adnan (son), 5. Muhammad Shoaib (minor son), 6. Hameed Ullah (minor son) and 7. Bibi Shadma (minor daughter) all residents of Village Bari Khel, Tehsil Upper, District

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Orakzai have filed the instant petition against respondents, public at large, for issuance of Succession Certificate being LR's of deceased Khial Bat Khan. That the amount of Rs. 1,086,881.02/- left as the legacy of deceased lying in account No. 3096503231 in National Bank of Pakistan, Zargiri, Hangu. According to the petitioners, they are LR's 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 petitioners No. 5 to 7 are minors, therefore, they were issued decline certificate accordingly. Decline certificate is placed on file.

4. The respondents i.e., public at large was served through notice in daily newspaper "Ausaf" dated 22.05.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During the course of ex-parte evidence, one Hidayat Ullah 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 & 1/8: Copies of CNICs of petitioners No. 3 & 1 respectively.
3. Ex. PW-1/3 & Ex. PW-1/7: Copies of death certificates of deceased Khial Bat Khan and Bakhtawara.
4. Ex. PW-1/4: Copy of decline certificate.
5. Ex. PW-1/5: Copy of bank statement.
6. Ex. PW-1/6: Form B of minors.

PW-02 & PW-03 are the statements of Naveed Ullah and Abu Bakar Siddique respectively. They supported the stance of the petitioner

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and confirmed that there are no LR's of the deceased except the present petitioners.

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

6. 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 LR's of deceased is self-explanatory and is confirming the fact that there is no other LR's 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	Qismat Bibi	Major	Widow	12.50%
2	Bakhtawara	Major	Widow	12.50%
3	Hidayat Ullah	Major	Son	19.44%
4	Muhammad Adnan	Major	Son	19.44%
5	Muhammad Shoaib	Minor	Son	19.44%
6	Hameed Ullah	Minor	Son	19.44%
7	Bibi Shadma	Minor	Daughter	6.25%

7. 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 of Rs. 1,086,881.02/- left as the legacy of deceased lying in account No. 3096503231 in National Bank of Pakistan, Zargiri, Hangu. 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. 1,000,000/- 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.

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8. File be consigned to the Record Room after its necessary completion and compilation, while the requisitioned record be returned back to the quarter concerned.

Announced
30.05.2024

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(BAKHT ZADA)

SCJ/Succession & Guardian Judge,
Orakzai at Baber Mela