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

Petition No.....11/05 of 2024.

Date of institution.....21.06.2024.

Date of decision.....26.06.2024

Title: Hajra Bibi etc Vs Public at Large

Order -04
26.06.2024

Special attorney of petitioners along with counsel present.

Evidence of petitioners recorded as PW-01 to PW-03 and closed.

Arguments heard and record perused.

1. Petitioners 1. Hajra Bibi (widow) 2. Masood Ullah (son), 3. Azim Ullah (son), 4. Maryam Bibi (daughter), 5. Romaisa Bibi (daughter) and 6. Zali Man Shah (father) all residents of Qaum Rabia Khel, Tappa Ayaz Khel, Tehsil Upper, District Orakzai have filed the instant petition against respondents, public at large, for issuance of Succession Certificate being LRs of deceased Sadiq Ullah Khan. According to the petitioners, they are LRs of the deceased named above and there is no other legal heir except them.

2. The respondents i.e., public at large was served through notice in daily newspaper "Ausaf" dated 24.06.2024, but no one appeared before the court, so ex-parte proceedings were initiated. During the course of ex-parte evidence, one Asad Ullah S/O Rehman Shah being special attorney of the petitioners appeared as PW-01. He produced the following documents.

1. Ex. PW-1/1: Special power of attorney.

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2. Ex. PW-1/2 to Ex. PW-1/3: Nadra documents.
3. Ex. PW-1/4: Copy of bank statement.
4. Ex. PW-1/5: Copy of FRC.
5. Ex. PW-1/6: Copy of death certificate of Sadiq Ullah Khan.

4. PW-02 & PW-03 are the statements of Khayal Zar Khan and Eid Shireen 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 are placed on case No. 27/5, publication and report of process server etc are placed on this file. Contents of the petition were reproduced and verified by the witnesses. The report of Mati Ullah, 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	Hajra Bibi	Major	Widow	12.50%
2	Masood Ullah	Minor	Son	23.61%
3	Azim Ullah	Minor	Son	23.61%
4	Maryam Bibi	Minor	Daughter	11.81%
5	Romaisa Bibi	Minor	Daughter	11.81%
6	Zali Man Shah	Major	Father	16.67%

6. As, there is no other legal heir of deceased and considering the request of the petitioners being genuine, this application is allowed and 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. 200,000/- with 02 local sureties each in the like amount to the satisfaction of this court. Original

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succession certificate previously issued on 11.12.2023 surrendered, hence the same stands cancelled. Another 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 while the requisitioned record be returned back to the quarter concerned.

Announced
26.06.2024

Bakht Zada
26.6.24

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