

4

3

**IN THE COURT OF IJAZ MAHSOOD**

Senior Civil Judge/ Succession Judge, Orakzai at Baber Mela

Petition No. ....17/5 of 2024

Date of institution..... 15.11.2024

Date of decision .....30.11.2024

Order No. 04

30.11.2024

Special attorney of petitioners present. Respondents absent despite service through publication in daily newspaper "Ausaf", hence, placed and proceeded against ex-parte. Ex-parte evidence already recorded and closed. Statement of CW also recorded. Counsel for the petitioners submitted an application for correction of amount in the statement of PW-01 which is inadvertently mentioned as 01 billion instead of ten million (01 Crore). Record gone through which reveals that the said amount is mentioned as 01 billion instead of ten million which is wrong and needs rectification. Application allowed. Arguments heard. It is common knowledge that Shuhuda Package is generally granted in amount claimed.

Petitioner No. (1) Mst. Rajmeena (widow), (2) Mst. Nazia Bibi (daughter), (3) Siraj Khan (son), (4) Minhaj (son), (5) Irman Ullah (son), (6) Abu Bakar (son) and (7) Muhammad Khan (son) have filed the instant petition for grant of succession certificate in their favour on the ground that they are the only legal heirs/successors of deceased Zamil Badshah.

Senior Civil Judge  
Orakzai at Baber Mela  
30.11.2024

Mst. Rajmeena vs Public at large .

Order No. 04  
Continued  
30.11.2024

(4) (5)

Notice was issued in the name of General Public in News Paper Daily "Ausaf"; however, no one attended the Court from the general public, hence, placed and proceeded ex-parte. Accordingly, petitioners were given opportunity to produce ex-parte evidence.

During course of recording evidence, Siraj Khan (attorney) recorded his statement as PW-01, Rehmat Ullah as PW-02 and Gul Mat Khan as PW-03 testified respectively. PW-01 submitted his power of attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, copy of death certificate as Ex.PW-1/3, Form "B" as Ex.PW-1/4, FRC (consisting of 02 pages) as Ex.PW-1/5, Decline Certificate as Ex.PW-1/6. 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 Zamil Badshah 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 are hereby declared as the legal heirs of the deceased named above. Succession Certificate be issued in favour of the petitioners on furnishing surety bonds/undertaking in the sum of Rs: 10,000,000/- (ten million) with two local & reliable sureties each in the like amount to the satisfaction of this Court to the effect that if there

Orakzai  
30/11/2024  
Civil Judge  
Mela

6

Order No. 04  
Continued  
30.11.2024


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 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.

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  
30.11.2024

  
(Ijaz Mahsood)  
SCJ/ Succession Judge,  
Orakzai at Baber Mela