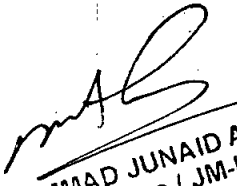


IN THE COURT OF MUHAMMAD JUNAID ALAM
CIVIL/SUCCESSION JUDGE-II, TEHSIL KALAYA, ORAKZAI

Petition No.....7/5 of 2024.
Date of Institution.....24.07.2024.
Date of Decision.....16.12.2024.
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Order No. 22
16.12.2024

Special attorney for petitioners along with counsel present.
Petitioner No. 2 and No. 6 are minor sons of petitioner No. 7. Ex-parte evidence of petitioners recorded as PW-01 to PW-04. Ex-parte arguments also heard and record perused.


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Orakzai at Kalaya
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Through this order, this Court is going to dispose of an application submitted by the petitioners for provision of Succession Certificate.

Brief facts of the instant petition are that petitioners seek issuance of a Succession Certificate in their favour on the ground that they are the only legal heirs/successors of deceased Wahid Ali S/O Adam Khan, R/O Qom Bar Muhammad Khel, Tappa Alat Khel, Village Khando, Tehsil Lower, District Orakzai who died on 28.05.2023, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the petitioners. That petitioners Afsari Jan (Widow), Mukhtar Ali and Taswar Ali (sons), Shah Rukh Begum, Gul Rookh, Roman Begum and Hadia Begum (daughters) are entitled to receive Rs. 500,000/- lying in The National Saving Centre, Branch 1112-Kohat-II (Account No. 111200140000290) left as legacy by the deceased as per their sharia shares. That petitioners are entitled to receive the Succession Certificate.

accordingly. That they approached NADRA for grant of Succession Certificate but it was declined for the reason that petitioner No. 2 and No. 6 are minors (legal heirs), therefore, there is a factual controversy and they are issued decline certificate accordingly.

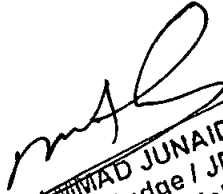
Notice was issued in the name of General Public in News Paper Daily "AWSAF", however, no one attended the Court from the general public, hence, placed and proceeded ex-parte. Accordingly, petitioners were given opportunity to produce ex-parte evidence.

Petitioner No. 1 namely Mukhtar Ali who is special attorney for rest of the petitioners himself appeared and recorded his statement as PW-01. He stated that petitioners are legal heirs of the deceased Wahid Ali which was died on 28.05.2023. Special attorney is ExPW-1/1. Death Certificate of deceased Wahid Ali is Ex. PW-1/2. FRC is Ex.PW-1/3. Copy of National Saving Centre Branch, Kohat is Ex.PW-1/4. Copy of his CNIC is Ex. PW-1/5. He lastly requested for issuance of Succession Certificate in favour of petitioners.

Haider Ghulam, co-villagers/relative of petitioners appeared and deposited as PW-02. Photocopy of his CNIC is Ex-PW-2/1. He verified that the petitioners are the legal heirs of deceased Wahid Ali.

Boland Khan, co-villagers/relative of petitioners appeared and deposited as PW-03. Photocopy of his CNIC is Ex-PW-3/1. He also verified that the petitioners are the legal heirs of deceased Wahid Ali.

Petitioner No.7 namely Afsari Jan Widow of Wahid Ali herself appeared and deposited as PW-04. Per her statement she stated that petitioners Mukhtar Ali and Taswar Ali are her sons and Shah Rukh

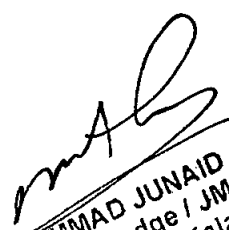

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Begum, Gul Rookh, Roman Begum and Hadia Begum are her daughters and legal heirs of the deceased Wahid Ali. Petitioner No. 02 and 06 are minor therefore, she recorded her statement through next friend. She further stated that Petitioner No.1 namely Mukhtar Ali is the special attorney for petitioners. Except the above mentioned petitioners there is no other legal heirs of the deceased Wahid Ali. She lastly requested to entitled petitioners to receive Rs. 500,000/- alongwith profit. Copy of her CNIC is Ex.PW-4/4.

Likewise, court bailiff was directed to verify the list of legal heirs of deceased Wahid Ali, who submitted his report wherein it was verified that the petitioners are the legal heirs of deceased named above.

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: 500,000/- (Five 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, along with a blank stamp paper.

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


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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 record room after its completion & compilation.

Announced:
16.12.2024



Muhammad Junaid Alam
Civil Judge-II/Succession Judge,
Tehsil Courts, Kalaya, Orakzai