

Order-03
19.12.2024

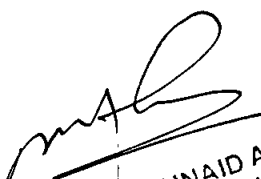
Petitioners through attorney alongwith counsel present. Publication already received. None present for public at large, therefore, respondents are placed and proceeded ex-parte. List of witnesses submitted. Ex-parte evidence of petitioners recorded as PW-01 to PW-03. Ex-parte arguments also heard and record perused.

Through this order, this Court is 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 Syed Inayat Ali Shah, resident of Qom Bar Muhammad Khel, Tappa Baba Nawasi, Tehsil Lower District Orakzai, who died on 25.10.2024, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the petitioners.

That petitioners namely 1. Mst. Hamida (Widow), 2. Mst. Sidra Batool, 3. Syed Raza, 4. Mst. Bibi Asma, 5. Mst. Anees Fatima, 6. Amar Abbas, 7.

Syed Tassarwar Abbas and 8. Syed Muhammad Mehdi are entitled to receive Rs. 93, 668/- lying in THE Habib Bank Limited, Sher Kot Branch (Account No. 1347-79001804-03) and entitled to receive Rs. 1,200,000/- of Financial Assistance package and Death Compensation package, 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. 03, 04, 05, 06, 07 & 08 are


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

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 "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.

Syed Tahir Hussain son of Syed Mir Akbar appeared and recorded his statement as PW-01. He produced special power of attorney which is Ex. PW-1/1. Copy of CNIC of petitioner no. 01, as Ex. PW-1/2. He stated that husband of petitioner no. 01 was died on 25.10.20254. Copy of death certificate of his father is Ex. PW-1/3. He further produced the copy of police letter no. 3034/PC dated 19.11.2024 regarding Financial Assistance package and Death Compensation package, which is Ex. PW-1/4. Bank statement (01 page) is Ex. PW-1/5. Copy of his CNIC is Ex. PW-1/6. He lastly requested for issuance of Succession Certificate in favour of petitioners.

Syed Sardar Hussain son of Ali Anwar, the relative of petitioners appeared and deposed as PW-02. Photocopy of his CNIC is Ex-PW-2/1. He lastly requested for issuance of Succession Certificate in favour of petitioners.

Syed Muhammad Hassanain, relative of petitioners appeared and deposed as PW-03. Photocopy of his CNIC is Ex-PW-3/1. He lastly requested for issuance of Succession Certificate in favour of petitioners.

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


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

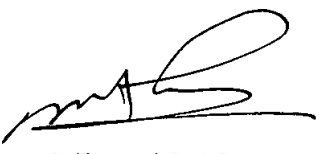
In the absence of any rebutting evidence, petitioners are hereby declared as the legal heirs of the deceased named above. Succession Certificate be issued in favour of the petitioners on furnishing surety bonds/undertaking in the sum of Rs: 1,300,000/- (thirteen lac) with two local & reliable sureties 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 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:
19.12.2024


Muhammad Junaid Alam,
CJ-II/Guardian Judge,
Tehsil Courts, Kalaya, Orakzai