


Order-05
04.12.2024

Petitioner No. 03 in person and as attorney for petitioner no. 01 along with counsel present. Remaining petitioners are brother and sisters of petitioner no. 03. 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 Azam Khan son of Qalandar Shah, resident of Qom Mishit, Tappa Haider Khel, District Orakzai who died on 20.09.2021, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the petitioners. That petitioners Nik Amal Jan (Widow), Khalid Nawaz, Asmat Ullah, Safi Ullah, Sami Ullah (sons), Mst. Gulnaz Bibi, Mst. Ajnaz Bibi, Mst. Reshma Bibi, Mst. Saitoon Bibi and Mst. Alia Bibi (daughters) are entitled to receive Rs. 408,317/- lying in The Bank of Alafalah Hangu (Account No. 1007075493) 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. 04, 05, 06, 07, 08, 09 and No. 10 are minors (legal heirs), therefore, there is a factual controversy and they are issued decline certificate accordingly.


MUHAMMAD JUNAID AL-AM
Civil Judge / JM-II
Orakzai at Kalaya

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.

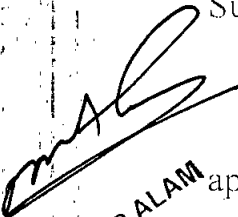
Petitioner No. 03 namely Khalid Nawaz son of Azam Khan himself appeared and recorded his statement as PW-01. He stated that his father was died on 20.09.2021. Copy of death certificate of his father is Ex. PW-1/1. FRC is Ex. PW-1/2. Bank statement (01 page) is Ex. PW-1/3. Decline Certificate issued by NADRA are Ex. PW-1/4. Copy of CNIC of his mother is Ex. PW-1/5 and copy of his CNIC is Ex. PW-1/6. Special power of attorney is Ex. PW-1/7. He lastly requested for issuance of Succession Certificate in favour of petitioners.

Mehboob Shah son of Jaman Shah, the villager of petitioners appeared and deposed as PW-02. Photocopy of his CNIC is Ex-PW-2/1. He verified that the petitioners are the legal heirs of deceased Azam Khan.

Rehmat Ullah son of Abdul Janan, villager of petitioners appeared and deposed as PW-03. Photocopy of his CNIC is Ex-PW-3/1. He also verified that the petitioners are the legal heirs of deceased Azam Khan.

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.

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 &


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

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:
04.12.2024



(Muhammad Junaid Alam)
Civil Judge-II/Guardian Judge,
Tehsil Courts, Kalaya, Orakzai