

ORDER No. 03
21.12.2020

Mr. Zahoor Ur Rehman Advocate for appellant present. Record of the trial court received. Public at large have been served through notice of affixation but nobody turned up on behalf of public at large, hence placed and proceeded ex-parte. Ex-parte arguments heard and available record gone through.

Appellant Mst. Falak Naaz approached the court of SCJ, Orakzai through an application for obtaining succession certificate in respect of transfer of family pension and other benefits of her deceased husband in her favour who was a retired employee of Ghazaband scouts beleli 62 wing Quetta Baluchistan. However, the petition was dismissed being not maintainable vide impugned order dated 16.11.2020. Hence, the appeal in hand.

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Admittedly, the family pension and benefits etc. to which an employee is entitled upon retirement is not the legacy/tarka to be distributed among the legal heirs as per their shari shares. The succession certificate u/s 370 of The Succession Act, 1925 can be issued with regard to any debt/security left by the deceased and is available at the time of his death. However, this is not the case of the appellant. Therefore, the trial court was justified in dismissing

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the application of the appellant through impugned order. The impugned order is by no means suffering from any legal infirmity to call for interference of the present court therein. Resultantly, the appeal in hand stand dismissed being devoid of merits. However, the appellant is at liberty to approach the civil court through suit for declaration for the subject purpose, if desired so. No order as to cost. File be consigned to Record Room after its necessary completion and compilation.

Announced:
21.12.2020


(ASGHAR SHAH)
District Judge, Orakzai
at Baber Mela.