

1. Petitioners present through counsel and attorney.

Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 5th Feb, 2020 general public was asked to submit objections, if any, however, no one appeared before the court, so ex-parte proceedings were conducted.

3. Petitioner No. 01. Mst Gulshad Bibi (widow), 02. Meraj Khan (Son), 03. Farman Ullah (Son) 04. Shazia Bibi (Daughter) 05. Nadia Bibi (Daughter) 06. Menhaj Bibi (Daughter) 07. Abdul Wahab (Son) 08. Jan Akbar (father) filed the instant application. Raheem (attorney) recorded his statement as PW-1 and Muhammad Deen as PW-2 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, death certificate of the deceased as Ex.PW-1/2, Form-B of minor petitioners as Ex.PW-1/3. All the exhibited documents, publication and report of process server etc. are placed on file. Contents of the petition were reproduced and verified by the witnesses.

After recording ex-parte evidence, respondent No. 4 Siraj Akbar submitted an application for impleadment, by contending, therein, that he is the son while Ayata Gula is widow of Syed Meen Akbar, but

petitioners have not mentioned their names in the petition. Petitioners submitted their reply, wherein, they admitted that Siraj Akbar is also the son of Syed Meen Akbar while to the extent of Ayata Gula it was contended that she was divorced by Syed Meen Akbar during her life time, hence, she is not the legal heir of Syed Meen Akbar. Pro and Contra arguments were heard and application was accepted vide order dated 24.07.2020 and Siraj Akbar and Ayata Gula were impleaded as respondents No. 04 and 05. Proceeding were fixed for evidence but respondents on 18.11.2020 remained absent and thus proceeded ex-parte. Today that i.e 27.11.2020 counsel for petitioners appeared before the court and stated at bar that petitioners have already recorded their ex-parte evidence and petitioners rely on the same. Ex-parte arguments heard and record gone through.

The available record on file prima facie establishes that petitioners and respondents No.2 to 5 are the legal heirs of deceased Syed Meen Akbar as there is nothing in rebuttal. Hence, petitioners along with respondents No.2 to 5 will inherit the legacy of deceased as per following shares;

S. No	Name of petitioner legal heirs	Major/minor	Relation with deceased	Share Percentage
1	Jan Akbar	Major	Father	16.7 %
2	Mst Gulshad Bibi	Major	Widow	6.25 %
3	Mst Ayata Gul	Major	Widow	6.25 %
4	Siraj Akbar	Major	Son	10.12 %
5	Abdul Salam	Major	Son	10.12 %
6	Miraj Khan	Minor	Son	10.12 %
7	Abdul Wahab	Minor	Son	10.12 %
8	Farman Ullah	Minor	Son	10.12 %
9	Shazia Bibi	Minor	Daughter	5.05 %
10	Nadia Bibi	Minor	Daughter	5.05 %
11	Menhaj Bibi	Minor	Daughter	5.05 %
12	Mst Zeenat Khela	Major	Daughter	5.05 %

The share of minors, at S.No.06 to 11 shall be deposited to the official account of Senior Civil Judge.

5. As, there is no other legal heir of deceased and considering the request of the petitioners being genuine this application is allowed along

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with accrued profit and Succession Certificate is issued in favour of petitioners and respondents, subject to surety bond/undertaking to the tune of Rs. 1,500,000 with 02 local sureties each in the like amount to the satisfaction of this court. If any legal heir/objector appear in future, the petitioners and the sureties will be responsible for the payment. Parties are left to bear their own cost. Original succession certificate be given to the petitioners subject to surety bonds while copy of the certificate be placed on file.

6. File be consigned to the Record Room after its necessary completion and compilation.

Announced
27/11/2020

~~FARMAN ULLAH~~
Senior Civil Judge
Orakzai at Baber Mela
(FARMAN ULLAH)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)