

Order -12
22/12/2020

(8)

1. Petitioners present through counsel and attorney.

Power of attorney submitted. Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 15th Oct, 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 Khobana (widow), 02. Najma Bibi (Daughter), 03. Rafiq Bibi (Daughter) 04. Zain Ullah (Son) 05. Muhammad Ali (Father) 06. Mst Shahida Bibi (Mother) filed the instant petition for issuance of succession certificate. Abdur Rehman (attorney) recorded his statement as PW-1, Doorshah Khan as PW-2 and Shafiq Ullah as PW-3 testified respectively. PW-1 submitted his CNIC as Ex.PW-1/1, petitioner No.1 CNIC as Ex.PW-1/2, CNIC of deceased as Ex.PW-1/3, FRC of petitioners as Ex.PW-1/4, death certificate as Ex.PW-1/5 CNICs of parents of the deceased as Ex.PW-1/6 and Ex.PW-1/7. 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.

The available record on file prima facie establishes that petitioners are the legal heirs of deceased Mastan as there is nothing in rebuttal. Hence, petitioners 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	Muhammad Ali	Major	Father	16.7 %
2	Shahida Bibi	Major	Mother	16.7 %
3	Mst Khobana	Major	Widow	12.5 %
4	Zain Ullah	Minor	Son	27.1 %
5	Najma Bibi	Minor	Daughter	13.55 %
6	Rafiq Bibi	Minor	Daughter	13.55 %

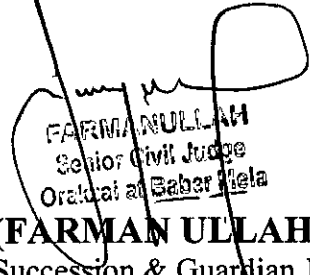
The share of minors, at S.No.04 to 06 shall be deposited to the official account of Senior Civil Judge.

9

5. As, there is no other legal heir of deceased and considering the request of the petitioners being genuine this application is allowed along with accrued profit and Succession Certificate is issued in favour of petitioners, subject to surety bond/undertaking to the tune of Rs. 2,000,000 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
22/12/2020


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