

IN THE COURT OF MUHAMMAD AYAZ KHAN,
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Order
06/02/2020

Attorney Khoshal Khan for rest of the petitioners along with counsel present. The petitioners seek succession certificate in respect of legacy of deceased namely Dilsaif Khan, who died on 13/10/2019. Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 9th January, 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 Piyao Jan (widow), 02. Kashif Khan (Son), 03. Sartaj Khan (Son), 04. Fozia Mena (Son) 05. Zalif Khan (Son) 06. Sajmena Bibi (Daughter) filed the instant application. Khoshal Khan (attorney) recorded his statement as PW-1, Aamil Khan as PW-2 and Muhammad Ayaz as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, copy of his CNIC as Ex.PW-1/2, copy of CNICs and birth certificates of the petitioners as Ex.PW-1/3, death certificate as Ex.PW-1/4, copy of pension book of deceased as Ex.PW-1/5 and Bank Statement as Ex.PW-1/6. 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.

4. As, there is nothing in rebuttal, so therefore contention of the petitioners is believed to be correct. Therefore, the 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	Mst Piyao Jan	Major	Widow	12.5 %
2	Kashif Khan	Minor	Son	21.8 %
3	Sartaj Khan	Minor	Son	21.8 %
4	Fozia Mena	Minor	Daughter	10.9 %
5	Zalif Khan	Major	Son	21.8 %
6	Sajmena Bibi	Major	Daughter	10.9 %

The share of minors, on S.No.2,3, and 4 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 with accrued profit and Succession Certificate is issued in favour of petitioners, subject to surety bond/undertaking to the tune of Rs. 100,000 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 petitioner subject to surety bonds while copy of the certificate be placed on file.

As far as the transfer of pension is concerned, it is proved through evidence that petitioner No.1 is the sole widow of the deceased, hence, she is entitled to the pension of deceased subject to rules and regulations on the subject.

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

Announced
06/02/2020



(Muhammad Ayaz Khan)
SCJ/Succession & Guardian Judge,
Orakzai (Baber Mela)