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Order
11/10/2019

Petitioner No. 04 Abdul qudoos as attorney for rest of the petitioners along with counsel present. The petitioners seek succession certificate in respect of legacy of deceased namely Zahir Shah, who died on 25/03/2018. Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 16th September, 2019 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 Rabia Jana Bibi, 02. Dost Muhammad, 03. Muhammad Raziq, 04. Abdul Qudooos 05. Amna Bibi 06. Rada 07. Shakila Naaz filed the instant application. Attorney of the petitioner recorded his statement as PW-1, while Aman Ullah as PW-2 and Nimat Khan as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex. PW-1/1 and copy of his CNIC Ex.PW-1/2, copy of deceased CNIC is Ex. PW-1/6, copy of CNIC of petitioners No. 1 is Ex.PW-1/3, copy of CNIC of petitioners No. 2 is Ex.PW-1/4, copy of CNIC of petitioners No. 3 is Ex.PW-1/5, copy of CNIC of petitioners No. 5 is Ex.PW-1/6, copy of CNIC of petitioners No. 6 is Ex.PW-1/7, copy of CNIC of petitioners No. 7 is Ex.PW-1/8, , copy of death certificate of deceased as Ex. PW-1/9, copy of NADRA certificate Ex. PW-1/10, copy of bank statement Ex. PW-1/11, copy of CNIC of the deceased is Ex. PW-1/12. Copies of CNICs of PW-2 and PW-3 is Ex. PW-2/1 and Ex. PW-3/1. 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.


MUHAMMAD AYAZ
Senior Judge,
Orakzai at Hangu

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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 | Rabia Jana Bibi | Major | Widow | 12% |
| 2 | Dost Muhammad | Major | Son | 19.4% |
| 3 | Muhammad Raziq | Major | Son | 19.4% |
| 4 | Abdul Qudoos | Major | Son | 19.4% |
| 5 | Amna Bibi | Major | Daughter | 9.7% |
| 6 | Rada | Major | Daughter | 9.7% |
| 7 | Shakila Naaz | Major | Daughter | 9.7% |

The share of minors, if any, 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. 20 lacs 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.

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

Announced
11/10/2019



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