

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

(2)

Civil Suit No. 31/5 of 2019
 Date of Institution: 24/10/2019
 Date of Decision: 04/11/2019

VERSUS

General Public

Order
 04/11/2019

Petitioner No. 2 Ajmal Khan as attorney for rest of the petitioners along with counsel present. The petitioners seek succession certificate in respect of legacy of deceased namely Amin Gul, who died on 25/04/2019. Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 26th October, 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 Basira Jan (widow), 02. Ajmal Khan (son), 03. Ajmina Bibi (Daughter), 04. Muhammad Tahir (son) 05. Hakeem Ullah (son) 06. Gulshan Bibi (Daughter) 07. Nazia Bibi (Daughter) 08. Khafia Bibi (Daughter) 09. Shafia Bibi (Daughter) 10. Nabia Bibi filed the instant application. Ajmal Khan, Petitioner No.2/Attorney of the petitioners, recorded his statement as PW-1, while Marwat Khan as PW-2 and Abdul Qadir as PW-3 testified respectively. PW-1 attorney of the petitioners, submitted his power of attorney as Ex. PW-1/1, copy deceased death certificate Ex.PW-1/2, copy of CNIC of petitioner No.1 as Ex. PW-1/3, copy of CNIC of petitioner No. 3 as Ex. PW-1/4, copy of Form-B of minor petitioner as Ex. PW-1/5, copy of his own CNIC of as Ex. PW-1/6, copy

of deceased pension book as Ex. PW-1/7, copy of Bank Statement as Ex. PW-1/8. 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	Basira Jan	Major	Widow	12.5 %
2	Ajmal Khan	Major	Son	14.6 %
3	Ajmina Bibi	Major	Daughter	7.3 %
4	Muhammad Tahir	Minor	Son	14.6 %
5	Hakeem Ullah	Minor	Son	14.6 %
6	Gulshan Bibi	Minor	Daughter	7.3 %
7	Nazia Bibi	Minor	Daughter	7.3 %
8	Khafia Bibi	Minor	Daughter	7.3 %
9	Shafia Bibi	Minor	Daughter	7.3 %
10	Nabia Bibi	Minor	Daughter	7.3 %

The share of minors, at S. No. 4, 5, 6, 7, 8, 9 and 10 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. 1 lac 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


MUHAMMAD AYAZ
 Senior Civil Judge,
 District Court, Hangu

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
04/11/2019



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