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IN THE COURT OF FARMAN ULLAH
SENIOR CIVIL JUDGE, ORAKZAI AT BABER MELA

Order - 8
19/06/2020

Petitioners present through counsel and attorney. Evidence of petitioners present and recorded as PW-1 to PW-3.

Perusal of record reveals that petitioners have filed an application for deletion of the name of petitioner No.2 by contending that though petitioner No.2 was also the widow of Habeeb Gul but she has also died and inadvertently her name was mentioned in the panel of petitioners.

Report of process server available on file also reflects that Keemiya Gula (Petitioner No.2) widow of Habeeb Gul has died. So, the request seems genuine. Hence, accepted and the name of petitioner No.2 ^{is} deleted.

Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 29th 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 Bibi Marjana (widow), 02. Irfan Ullah (Son), 03. Kamran Ullah (son) 04. Rizwan Ullah (Son) 05. Ayub Khan (Son) 06. Bakhto Bibi (Daughter) 07. Bakhtawara (Daughter) filed the instant application. Ameer Aman Ullah Khan (attorney) recorded his statement as PW-1, Sohail Khan as PW-2 and Muhammad Gul as PW-3 testified respectively. PW-1 submitted his power of attorney as Ex.PW-1/1, death certificate of deceased as Ex.PW-1/2, CNIC of wife of deceased as Ex.PW-1/3, copy of CNIC of deceased as Ex.PW-1/4, copy of CNICs of petitioner No.5 to 7 as Ex.PW-1/5 to 1/7, family tree as Ex.PW-1/8 and Bank statement as Ex.PW-1/9. All the exhibited documents, publication



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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	Share amount
1	Bibi Marjana	Major	Widow	12.5 %	53,700/-
2	Irfan Ullah	Minor	Son	17.5 %	75,180/-
3	Kamran Ullah	Minor	Son	17.5 %	75,180/-
4	Rizwan Ullah	Minor	Son	17.5 %	75,180/-
5	Ayub Khan	Major	Son	17.5 %	75,180/-
6	Bakhto Bibi	Major	Daughter	8.75 %	37,590/-
7	Bakhtawara	Major	Daughter	8.75 %	37,590/-

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. 5,00,000 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.

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

Announced
19/06/2020


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

FARMANULLAH
Senior Civil Judge
Orakzai at Baber Mela