

(057)

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

Order-6
27/06/2020

1. Petitioners through attorney Javid Ali and through counsel present. The petitioners seek succession certificate in respect of legacy of deceased namely Gulshad Ali, who died on 13/12/2019. Arguments heard and record perused.

2. Through publication in daily newspaper "Ausaf" dated; 23rd February, 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 Penhan Bibi (widow), 02. Javid Ali (Son), 03. Wilayat Hussain (Son) 04. Aliya Begam (Daughter) 05. Shazma Begam (Daughter) filed the instant application. Javid Ali (attorney) recorded his statement as PW-1, Noshad Ali as PW-2 and Asif Ali as PW-3 testified respectively. PW-1 submitted power of attorney as Ex.PW-1/1, his CNIC as Ex.PW-1/2, CNIC of petitioner No.1 as Ex.PW-1/3, CNIC of deceased as Ex.PW-1/4, death certificate as Ex.PW-1/5, CNIC of Aliya Begam as Ex. Pw-1/6, pension documents as Ex.PW-1/7, termination certificate as Ex.PW-1/8 and bank statement as Ex.PW-1/10. 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

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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	Mst Penhan Bibi	Major	Widow	12.5 %	16,941/-
2	Javid Ali	Major	Son	29.15 %	39,531/-
3	Wilayat Hussain	Minor	Son	29.15 %	39,531/-
4	Aliya Begam	Major	Daughter	14.57 %	19,765/-
5	Shazma Begam	Minor	Daughter	14.57 %	19,765/-

The share of minors, on S.No.3 and 5 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. 1,00,000 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 petitioners' 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
27/06/2020

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