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Mst. Rehmat Khela vs Public at large

IN THE COURT OF IJAZ MAHSOOD
Senior Civil Judge/ Succession Judge, Orakzai at Baber Mela

Petition No.18/5 of 2024

Date of institution..... 21.11.2024

Date of decision20.01.2025

Order No. 06
20.01.2025

Special attorney of petitioners along with counsel present.

Arguments heard and record gone through.

Petitioner No. 1. Mst. Rehmat Khela (widow), 2. Sohail Abbas (son), 3. Muhammad Zohaib (son), 4. Mst. Amna Bibi (daughter), 5. Mst. Shahnaz Bibi (daughter) and 6. Mst. Kianat Bibi (daughter) have filed the instant petition for grant of succession certificate in their favour on the ground that they are the only legal heirs/successors of deceased Ashiq Khan.

Notice was issued in the name of General Public in News Paper Daily "Ausaf", however, no one attended the Court from the general public, hence, placed and proceeded ex-parte. Accordingly, petitioners were given opportunity to produce ex-parte evidence.

During course of recording evidence, Wazir Akbar (attorney) recorded his statement as PW-01, Said Habib as PW-02 and Shindi Gul as PW-03 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 death certificate as Ex.PW-1/3, copy of Form "B" of minors as Ex.PW-1/4, copy of bank statement as Ex.PW-1/5, and decline

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certificate as Ex.PW-1/6. Contents of the petition were reproduced and verified by the witnesses.

The available record on file prima facie establishes that petitioners are the legal heirs of deceased Ashiq Khan as there is nothing in rebuttal. Hence, petitioners will inherit the legacy of deceased as per shari shares.

In the absence of any rebutting evidence, petitioners are hereby declared as the legal heirs of the deceased named above. Succession Certificate be issued in favour of the petitioners on furnishing surety bonds/undertaking in the sum of Rs: 100,000/- (one lac) with two local & reliable sureties each in the like amount to the satisfaction of this Court to the effect that if there appears any other legal heir of the deceased except above named legal heirs, they would be responsible to the court.

Before closing, it is pertinent to mention that this certificate does not confer any title to the holder of the certificate and does not conclusively determine the shares in the securities/debts, rather this certificate is issued with the sole purpose to recover the securities/debts from the department concerned. Thus, any person(s), if aggrieved, may press his/their rights through a suit before a competent forum and to recover the amount received on the basis of said certificate to the extent of his/their shares on the basis thereof. Similarly, this certificate does not place bar on the right of any aggrieved person to

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establish his/their title and entitlement in the dues of the deceased before a competent court of jurisdiction.

In case, if there is any minor (s) legal heir, then share of the minor (s) be kept intact and shall not be dispose of without prior permission of the Court.

File be consigned to the record room after its necessary completion and compilation.

Announced

20.01.2025


(Ijaz Mahsood)
SCJ/ Succession Judge,
Orakzai at Baber Mela