


Or.....03
12.02.2025

Petitioner No. 1 along with counsel present. He filed special power of attorney on behalf rest of the petitioners, which is placed on file. Inquiry report received. Publication received but no one present on behalf of public at large, hence, placed and proceeded ex-parte. Ex-parte evidence of petitioners recorded as PW-01 to PW-03 and closed. Ex-parte arguments also heard and record perused.

Through this order, this Court is going to dispose of an application submitted by the petitioners for provision of Succession Certificate.

Brief facts of the instant petition are that petitioners seek issuance of a Succession Certificate in their favour on the ground that they are the only legal heirs/successors of deceased Sayed Wisal Hussain S/O Syed Alisar Hussain, R/O Qaum Bar Muhammad Khel, Tappa Tappa Baba Nawasi, Village Ainposh, Tehsil Lower, District Orakzai who died on 23.08.023, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the petitioners. That petitioners Bibi Rehan (Widow), Bibi Noshi Zahra (daughter), Syed Mushahid Hussain (son) Bibi Omil Zahra (daughter), Sonain Bibi (daughter), Syed Shah Muhammad (son) and Rifat Zahra (daughter) are entitled to receive Rs. 40,990.80/- lying in Habib Bank Limited at Kalaya (Account No. 1750-79000314-01) left as legacy by the deceased as per their sharia shares. That petitioners are entitled to receive the Succession Certificate accordingly. That they approached NADRA for grant of Succession Certificate but it was declined for the reason that petitioner No. 6 and No.


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7 are minors (legal heirs), therefore, there is a factual controversy and they are issued decline certificate accordingly.

Notice was issued in the name of General Public in News Paper Daily "AWSAF", 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.


Petitioner No. 1 namely Bibi Rehan W/O Sayed Wisal Hussain herself appeared and recorded her statement as PW-01. She stated that petitioners are legal heirs of the deceased Sayed Wisal Hussain. Copy of her CNIC is Ex. PW-1/1. Death Certificate of deceased is Ex. PW-1/2. Bank statement (02 pages) is Ex. PW-1/3. Special attorney is Ex. PW-1/4. Family Tree is Ex. PW-1/5. She lastly requested for issuance of Succession Certificate in favour of petitioners.

Syed Aqeel, brother of deceased appeared and deposed as PW-02. Photocopy of his CNIC is Ex-PW-2/1. He verified that the petitioners are the legal heirs of deceased Syed Wisal Hussain.

Syed Riaz Hussain, neighbor of petitioners appeared and deposed as PW-03. Photocopy of his CNIC is Ex-PW-3/1. He also verified that the petitioners are the legal heirs of deceased Syed Wisal Hussain.

Likewise, court bailiff was directed to verify the list of legal heirs of deceased Syed Wisal Hussain, who submitted his report wherein it was verified that the petitioners are the legal heirs of deceased named above.

In the absence of any rebutting evidence, petitioners are hereby declared as the legal heirs of the deceased named above. Succession



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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, along with a blank stamp paper.

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 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 record room after its completion & compilation.

Announced:
12.02.2025


(Muhammad Junaid Alam)
Civil Judge-II/Succession Judge,
Kalaya, Orakzai