


Or.....05
10.07.2025

Petitioner No. 1 along with counsel present. 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 Awal Hassan S/O Malik Sher Jabar, R/O Qaum Bar Muhammad Khel, Village Darma, Tehsil Lower, District Orakzai who died on 27.10.2023, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the petitioners. That petitioners Hukmina Jan (Widow), Asia (daughter), Shams Raza (son) Qaisar Abbas (son) and Fatima Gul (daughter) are entitled to receive Rs. 218,745/- lying in Al Habib Bank at Kalaya (Account No. 2061-0095-000968-01-3) 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. 05 IS minor (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


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public, hence, placed and proceeded ex-parte. Accordingly, petitioners were given opportunity to produce ex-parte evidence.

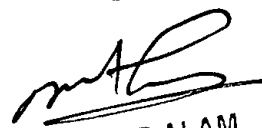
Petitioner No. 1 namely Hukmina Jan Wd/O Awal Hassan herself appeared and recorded her statement as PW-01. She stated that deceased Awal Hassan is her real husband, who died on 27.10.2023. Death certificate Ex.PW-1/1. Bank statement is Ex.PW-1/2. Copy of her CNIC is Ex. PW-1/3. FRC is Ex.PW-1/4 and decline certificate issued by NADRA is Ex.PW-1/5. She lastly requested for issuance of Succession Certificate in favour of petitioners.

Qaisar Abbas, son of deceased appeared and deposed as PW-02. He stated that deceased Awal Hassan is his father who died on 27.10.2023. Photocopy of his CNIC is Ex-PW-2/1. He verified that the petitioners are the legal heirs of deceased Awal Hassan.

Shams Raza, son of deceased appeared and deposed as PW-03. He stated that deceased Awal Hassan is his father who died on 27.10.2023. Photocopy of his CNIC is Ex-PW-3/1. He verified that the petitioners are the legal heirs of deceased Awal Hassan and requested for issuance of succession certificate in their favour.

Likewise, court bailiff was directed to verify the list of legal heirs of deceased Awal Hassan, 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 Certificate be issued in favour of the petitioners on furnishing surety


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bonds/undertaking in the sum of Rs: 200,000/- (Two 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:
10.07.2025


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