Order 03
15.10.2026

Special attorney for petitioners alongwith counsel present.

Learned counsel for the petitioner filed an application seeking amendment in the petition by incorporating the name of The Bank of Khyber and an amount of Rs. 44,000/- lying deposited therein, which particulars were inadvertently omitted from the original petition. Arguments heard and record perused. The omission appears to be inadvertent, and the proposed amendment is necessary for the proper and complete adjudication of the matter. The proposed amendment does not appear to alter the fundamental nature of the petition; rather, it seeks to bring the relevant particulars regarding the aforesaid bank account and amount on record, therefore, the application is hereby allowed. Moharrir of the court is directed to incorporate the name of "The Bank of Khyber, Kalaya Branch" and the amount of Rs. 44,000/- lying deposited therein in the petition.

Publication received but no one present on behalf of public at large, hence placed and proceeded ex-parte. Ex-parte evidence of petitioner recorded as PW-01 to PW-03 & closed. Ex-parte arguments 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.

15/10/26.

NOOR [illegible] HAQ
Civil Judge [illegible] JM-II
Orakzai at Kalaya

Brief facts of the instant petition are that petitioners seek issuance of Succession Certificate in their favour on the ground that they are the legal heirs/successors of deceased Murtaza Khan S/O Mawiz Gul, R/O Qaum Feroz Khel, Tappa Qimat Khel, Tehsil Lower, District Orakzai who died on 2707.2026, copy of death certificate is placed on file. That the deceased has left no other legal heirs except the present petitioners namely Mst: Asia Bibi (Widow), Mawiz Gul (father), Wakeela Jan (mother), Muhammad Afnan (son), Mairesh Bibi (daughter) and Afia Bibi (daughter). That the deceased has left an amount of Rs. 609,183/- in MCB, Bank vide account No. 0902219741005745, Branch code: 1103 kohat Cannt and amount of Rs. 44,865/- in Bank of Khyber, Kalaya Branch Orakzai for encashment of the said amount, Succession Certificate is required to the petitioners.

Notice was issued in the name of General Public in Newspaper "Mashriq"; however, no one attended the Court from the general public, hence, placed and proceeded ex-parte. Accordingly, petitioners were given opportunity to produce their ex-parte evidence. Consequently, they produced 03 witnesses.

15/10/26

NOOR UL HAQ
Civil Judge-cum-Judicial Magistrate-II
Orakzai at Kalaya

Sabir Ahmad, special attorney/brother of deceased for petitioners appeared and recorded his statement as PW-01. Copy of his CNIC is Ex.PW-1/1 and special power of attorney is Ex.PW-1/2. He stated that Murtaza Khan was died on 27.07.2026 at Kalaya Headquarter. Death certificate is Ex.PW-1/3. Cancellation of card is

Ex.PW-1/4. Deceased left an amount of Rs. 609,183/- in MCB, Bank vide account No. 0902219741005745, Branch code: 1103 Kohat Cantt and amount of Rs. 44,865/- in Bank of Khyber, Kalaya Branch Orakzai. Statement of MCB, bank is Ex.PW-1/5. FRC is Ex.PW-1/6 and bank statement of Khyber bank is Ex.PW-1/7. He lastly requested to issuance of succession certificate in favour of petitioners.

Abdul Basit, brother of petitioner No.1 appeared and deposed as PW-02. Copy of his CNIC is Ex.PW-2/1. He stated that deceased left an amount of Rs. 609,183/- in MCB, Bank vide account No. 0902219741005745, Branch code: 1103 Kohat Cantt and amount of Rs. 44,865/- in Bank of Khyber, Kalaya Branch Orakzai. He lastly requested for issuance of succession certificate in favour of petitioners.

From the statements of PWs, it is clear that there are no other legal heirs of the deceased except the present petitioners.

13/10/26.

NOOR UL HAQ
Civil Judge / JM-II
Orakzai at Kalaya

Likewise, Court bailiff was directed to verify the list of legal heirs of deceased Murtaza Khan, who submitted his report wherein it was verified that petitioners are the legal heirs of the deceased.

In the absence of any rebutting evidence, petition in hand is accepted and the petitioners are hereby declared as the legal heirs of the deceased named above. It is also admitted fact that after the death of a person, legally his legal heirs are entitled for the issuance of Succession Certificate for the purpose subject to any special

rules with regard to receiving of the amount along with any other benefits to which the family of the deceased are entitled. Hence, the legal heirs of the deceased Murtaza Khan are hereby declared entitled to receive the amount in question as per rules and regulations from the bank/center concerned. Succession Certificate be issued in favour of the petitioners on furnishing surety bonds/undertaking in the sum of Rs: 500,000/- with two local & reliable sureties each in the like amount to the satisfaction of this Court along with a blank stamp paper 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 establish his/their title and entitlement in the dues of the deceased before a competent court of jurisdiction. Furthermore, this certificate imposes a duty on the holder to distribute the securities/debts realized under this

13/10/26.

NOOR UL HAQ
JM-II
Civil Judge
Orakzai at Kalaya

certificate amongst the persons entitled in accordance with their respective rights.

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:
15.10.2026

15/10/26

Noor Ul Haq
Civil Judge/Succession Judge-II,
Kalaya, Orakzai