



Suit for Declaration & Succession Certificate

Legal Information Series

AUJ LAWYERS

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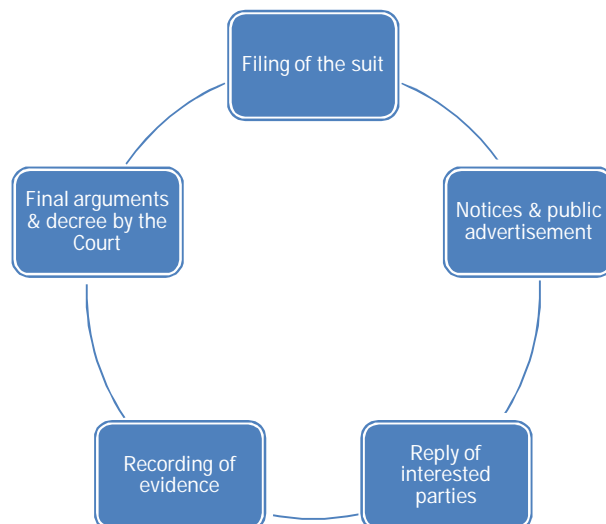
Suit for Declaration & Succession Certificate

Often we are faced with a situation wherein we need legal help. The need not necessarily arise because of a dispute with someone and it could be a consequence of events beyond human control. The most common example is death/expiry of an individual. Once a natural person dies, his estate/property devolves onto his legal heirs under the Muhammadon Law. However, the law and prevalent practice requires compliance of legal requirements before the property could actually pass on to the legal heirs.

The most common assets of a deceased person are a house, land, plot etc, or money in the bank, shares etc. The law provides procedure to get title of house, land, plot etc or money in the bank, shares etc according to principles of Muhammadon Law. Following are brief details of the procedure:

I. Procedure to Get Ownership of House/Plot/ Land and Movable Assets etc: The legal heirs of deceased are required under the law to file a “Suit for Declaration” in the civil court and declare themselves as lawful successor of the deceased. Once the court makes declaration in favour of legal heirs, their names can be added as titleholder in the record of relevant regulatory authority.

Legal Requirements: For the filing of “Suit for Declaration” death certificate of the deceased is required along with title document of subject property and CNIC of the persons filing the suit. The estimated time for getting declaration, in case of no opposition from public, is between 3 to 6 months. The process flow of suit is as under:



II. Procedure to Get Possession of Money in the Bank, Shares etc: For getting possession of Money in the Bank, Shares etc in the name of deceased, a Succession Certificate is required under Succession Act 1925 (the “Law”). The Court satisfies itself to the requirements of Law and issued succession certificate according to principles of Muhammadon Law.

Legal Requirements: For the filing of “Application for Succession Certificate” death certificate of the deceased is required along with detail/proof of subject asset and CNIC of the person(s) filing the application. Moreover, before the issuance of succession certificate Security Bond is required to be submitted to the satisfaction of the Court. The estimated time for getting succession certificate, in case of no opposition from public, is between 3 to 6 months. The process flow of application is the same like suit for declaration.

AUJ can be accessed for further clarifications by writing an email to Mr. Assad Ullah Jaral, Advocate, at the following address:

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