

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P. No.D- 987 of 2013

Date	Order with signature of Judge	
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Present

**Mr. Justice Muhammad Ali Mazhar
Mr. Justice Abdul Ghani Soomro**

Gulshan Naheed Petitioner

V E R S U S

Province of Sindh & others Respondents

Date of hearing 01.09.2016

Malik Altaf Javed advocate for the petitioner.

Mr. Abdul Jalil Zubedi A.A.G a/w Saeed Ahmed Assistant
Accountant, Counter Terrorism Department

Muhammad Ali Mazhar, J: The petitioner is mother of Mohammad Sohail who was serving in the Police Department as Police Constable. The petitioner's son was killed by unknown armed persons on 15.12.2012 while he was performing official duty along with other staff of CID in the jurisdiction of Kemari and Baldia, Karachi. Learned counsel pointed out an obituary attached at page 47 and argued that the petitioner's son was declared martyred ("Shaheed"). He further contended that son of the petitioner was married with Respondent No. 9 on 19.04.2012 but she was divorced, copy of divorce deed is also attached at page 45.

2. Notices were issued to the Respondents. During pendency of this petition, SMA was filed by the mother of the deceased. Learned counsel submits that the matter was contentious, therefore, the SMA has been converted in the Suit for Administration which is pending in the District Court West, Karachi.

3. We have gone through the prayer clause. The petitioner has challenged the heirship certificate issued by Respondent No.8 on 15.01.2013. She has further prayed that the Respondents be directed to release the service benefit funds as well as medical reimbursement charges to the petitioner. Since the appropriate proceedings have already initiated in which the learned trial Court will also decide the fate of alleged divorce if any given by the son of the petitioner to his wife Saba Madiha. So far as share in the monitory benefits are concerned, the same shall also be decided by the learned trial court in the SMA proceedings and if the matter is disposed of and due shares are carved out in accordance with Shariah, naturally, the same shall be paid by the Respondents' Department in accordance with law. Learned A.A.G concedes to that as and when matter is decided by the learned trial court in the succession matter, the police department will act in accordance with law and pay the lawful dues.

Petition is disposed of.

JUDGE

JUDGE

