

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3983 of 2018

Date

Order with signature of Judge

- 1.For order on Misc. No.18021/2018.
- 2.For order on office objection No.19 & 27.
- 3.For order on Misc. No.18022/2018.
- 4.For hearing of Main Case.

23.05.2018

Petitioner present in person.

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The petitioner claims to be an advocate of subordinate court. He has filed this petition being a legal heir of late Muhammad Mazhar Ul Hassan who was murdered on 15.04.2009. The petitioner argued that the deceased was a well-educated person and he appeared in written and viva-voce examination of Sindh Bar Council on 08.03.2009 after passing LLB, however, before examination the deceased completed his pupillage with senior advocate and sent an Intimation Form to the Sindh Bar Council but before granting license to practice, he was murdered. The petitioner has sought the declaration in this constitution petition to declare the deceased as an advocate and pay the benevolent fund to the legal heirs of the deceased as per rules of Sindh Bar Council. Admittedly, the license to practice was not issued by the Sindh Bar Council, secondly the deceased expired in the year 2009 and the petition has been filed in the year 2018. There is no description of any legal heir mentioned in the petition except that the petitioner claims to be brother of deceased Muhammad Mazhar Ul Hassan

and filed this petition. The petitioner wants that the license should be issued with retrospective effect. In this petition neither any license to practice can be issued by the Sindh Bar Counsel with effect from completion of his pupillage or sending the Intimation Form nor in current date. The license to practice cannot be claimed as a vested right in the present case and the petitioner has no right to file this petition to claim the license of the deceased or declaration that the deceased be declared as an advocate simply for the reason that he appeared in the written and viva-voce examination of Sindh Bar Council, however, in paragraph 10 of the petition it is stated that the widow of the deceased submitted an application to Sindh Bar Council on 09.05.2009 through the petitioner for release of benevolent fund but the respondent No.1 refused to release the benevolent fund except the fees submitted by the deceased and the petitioner refused to accept this offer. In the above scenario, the petition is dismissed in limine, however, copy of this order may be transmitted to the learned Vice Chairman of the Sindh Bar Council to place the matter before the concerned committee for sympathetic consideration so that at least the amount deposited by the deceased in his life time on account of benevolent fund to fulfil prerequisite of enrolment may be refunded to the legal heirs of the deceased on humanitarian ground but subject to proper verification and identification.

Judge

Judge

Asif

