

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
MA No.77 of 2018**

Date	Order with signature of Judge
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1. For order on CMA No.10187/2018 (urgent)
2. For order on CMA No.10188/2018 (Exemption)
3. For hearing of Main Case

28.11.2018

Mr. M. Yaqoob, advocate for the appellant.

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Appellant is directed first to file SMA in respect of the properties of the deceased parents showing the name of his mentally ill brother as one of the legal heirs and also file fresh application alongwith SMA for appointment of guardian of the mentally retarded brother. Trial Court has already allowed the petitioner to act as guardian in respect of one property and for the remaining property, if any, from the other five legal heirs can be appointed guardian. However, District Judge may appoint Nazir of the Court to act as guardian of the properties of mentally retarded legal heir. Whenever the SMA is filed it is expected that learned District & Sessions Judge when seized of the matter would ensure that no misappropriation is taken place with respect to the share of the mentally retarded person.

With the above observations, this M.A is disposed of and any order passed in this case should not have adverse effect on the fresh application, which they may file alongwith SMA for appointment of the guardian.

JUDGE

SM

