

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**SMA No. 60 of 2017**

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Order with signature of Judge(s)

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- For hearing of main petition  
[DR Diary dated 30.03.2017 at Flag-A. Amended petition filed as per  
Court order dated 12.03.2018 Flag-B]

**06.09.2018**

Mr. Muhammad Akhtar Naseem, Advocate for the Petitioner  
Mr. Muhammad Qayyum Abbasi, Advocate for objectors  
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This SMA was originally filed by Muhammad Fasihuddin Siddiqui in respect of the estate left by the deceased Rukhsana Siddiqui as he claimed that he was married to the deceased and out of which wedlock one daughter namely Yasharah Fasihuddin Siddiqui was born, however, no FRC was attached connecting these two individuals with the deceased.

Be that as it may, objections were filed by Kamran Niamat Faqir and Imran Niamat Faqir, who alleged that they are out of wedlock of the deceased with their father Niamat Faqir (who was second husband of the deceased) thus they have right to inherit deceased's properties. On 12.03.2018, Petitioner's counsel gave no objections whereupon he was directed to file amended title, which has been filed bringing Kamran Niamat Faqir and Imran Niamat Faqir as alleged legal heirs under paragraph-3 of the memo of petition. Interesting to note that even at this juncture no FRC of these two individuals connecting them to the deceased have been provided.

A review of the originally filed memo of petition shows that there is a discrepancy between the font used in the first page and the rest of the pages which gives reasons to believe that the first page has been managed since the objections must have been

raised even on the first petition. Alarminglly, all the legal heirs are resident abroad, who are represented by Raziuddin Ahmad Siddiqui claiming to be the father of Muhammad Fasihuddin Siddiqui. Office has sent a note dated 30.03.2017 holding Muhammad Fasihuddin Siddiqui and Yasharah Fasihuddin Siddiqui as legal heirs at the first instance without having observed that no FRC of the family connecting these individuals with the deceased was on records, as well as without observing that a Power of Attorney from a minor cannot be granted.

To me, until unless all the claimants clearly show their relationship with the deceased by submitting a non-refutable evidence in original, this SMA cannot proceed any further in respect of the property left by the deceased being House No.37/1, Khayaban-e-Shujaat, Phase-V, DHA, Karachi. Both the counsel seek time to bring on record relevant documents.

Let notice be sent to DHA seeking comments related to the ownership and legal heir status of the owners of the property described hereinabove.

Let an explanation be called from Deputy Registrar (OS) as to how the note dated 30.03.2017 was proposed to this Court without ascertaining the fact that Muhammad Fasihuddin Siddiqui and Yasharah Fasihuddin Siddiqui had no evidence to show that they were deceased Rukhsana Siddiqui's and that no power of attorney from a minor is permissible. Let the explanation be placed on file within 3 days and matter be placed in the Court on 11.09.2018 for this purpose.

JUDGE