

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**MA No.14 of 2018**

Date	Order with signature of Judge
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For orders as to maintainability as per order dated 18.12.2019.

**19.02.2020**

Mr. Muhamamd Haroon Shaikh, advocate for the appellant.  
Mr. Nasir Rizwan, advocate for Respondents No.1&2.  
Ch. Muhammad Farooq, advocate for the NADRA.

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After going through the statement filed by the learned counsel for the NADRA, since it has come on the record that grandfather of the contesting parties had no record in the NADRA office, therefore, each one of the legal heirs of Allah Rakhi and Bi Mal can only be decided by leading evidence from both the sides. It may be mentioned here that both the parties are agreed to the fact that name of grandmother is common and half of the name of grandfather is common, name Boota is added by one of the legal heirs in the name of his father's name Bi Mal to read it as Boota Bi Mal in the record of NADRA office. The other issue which is to be looked into by the trial Court is also whether under the Christian Law of Succession the entire estate of the deceased **Alice** could go only to the daughters and wife and should also go to other male member of the family. Since the controversy requires evidence therefore, SMA granted stand revoked and SMA **No.682/2016** is to be converted into suit. The memo of SMA shall be treated as plaint and the objections filed by the appellant shall be treated as written statement. However, both the parties are given two weeks' time to make any addition and alteration or amend the said pleadings. The Trial Court should examine the parties after framing of issues and decide the case on merits regarding right of inheritance. Trial Court is directed to dispose of

this changed face of the SMA within six months from the date of this order. Both the parties are directed to appear before District & Session Judge Court on **29.2.2020**.

With the above observation, this Misc. Appeal stands disposed of.

JUDGE

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