

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

R.A. No.284 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on C.M.A 2346/19
2. For hearing of main case

03.02.2020

Mr. Abdul Razzak Laghari, Advocate for applicant.

Mr. Ayatullah Khowaja, Advocate for respondent No.1.

Mr. Zafar Ali Channa, Assistant Director, National Savings Hyderabad,
on behalf of respondents No.4 to 6.

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The applicant has impugned an order dated 02.12.2019 passed by the District Judge Mirpurkhas in miscellaneous application filed in Succession Application No.19/2017.

The gist of the matter is that a Succession Petition No.19/2017 was filed in respect of the assts left by the deceased. One of the assets was Behbood Saving Certificates. Regarding such certificates it is applicant's claim that it was gifted to him orally. Discarding the contention of the applicant, the District Judge Mirpurkhas allowed the succession as required under the law. The surety amount was submitted. The original certificates were/are with the applicant as a nominee. He however claimed that it was orally gift to him. The applicant earlier challenged the order passed on the succession application referred to above and he was unsuccessful as far as the merit of the order is concerned. The applicant showed his intention to file a suit for such declaration. He was and is at liberty to seek such declaration regarding oral gift. A suit is pending adjudication for such declaration and despite lapse of time the matter was not decided. The interest of the applicant by consent, in terms of order dated 15.09.2017 passed in M.A. No.S-04/2017 was secured as surety amount was ordered to remain with the District Judge till such time the suit is pending before trial court. The applicant now yet again interferes with the encashment of certificates on the ground that he is holding the original certificates and without completing the formalities as far as issuance of duplicate certificates are concerned, such would deprive him from fruits of the decree. This contention is not acceptable in the sense that earlier the applicant agreed to the disposal of M.A. No.S-04/2017 where the surety amount was ordered to be retained till such time the suit is decided. Secondly, the only

interest of the applicant in Behbood Saving Certificates is a monetary interest which otherwise is secured in terms of order passed by consent of the parties in M.A. No.S-04/2017. The applicant has thus made a futile attempt to challenge the order dated 02.12.2019 in these proceedings, hence no interference is required. The Revision Application as such is dismissed along with listed application.

JUDGE

Ali Haider