

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 370 of 2012

DATE	ORDER WITH SIGNATURE OF JUDGE
29.10.2019	

For orders on MA 4549/12
For hearing of main case

Mr. Mumtaz Alam Leghari, advocate for petitioner(s)
Mr. Allah Bachayo Soomro, Addl.A.G.

Through this petition, the petitioner has prayed that respondents 1 and 2 be directed to issue directions to respondents 3 and 4 to mutate the subject land in his name and in the names of his brothers and sisters according to their respective shares as per Shariah. Such claim / prayer has been made by him claiming to be the legal heir of late Ghulam Nabi. Comments have been filed by Mukhtiarkar Sakrand and respondent No.9 Mukhtiar Ali has also filed a detailed reply. It appears that the petitioner Ali Ahmed and 06 others had filed F.C. Suit No.263 of 2003 against one Muhammad Idrees and official respondents for declaration and injunction in respect of the subject land which suit was dismissed by the learned trial court vide judgment and decree dated 28.11.2006 and 6.12.2006, respectively ; and, the appeal filed by them against such dismissal was also dismissed by the learned appellate court vide judgment and decree dated 19.5.2010 and 21.5.2010, respectively. It is contended on behalf of the petitioner that the petitioner and his siblings are entitled to inherit their respective shares from the estate left by late Ghulam Nabi and their such entitlement has not been extinguished even after dismissal of the above mentioned suit wherein the cause of action was different and the suit was filed against a different person viz. Muhammad Idrees. Be that as it may, learned A.A.G. states that the Mukhtiarkar concerned shall examine the claim of the petitioner and other legal heirs of late Ghulam Nabi, if any, for the purpose of mutation in their names, if permissible in law.

Accordingly, the Mukhtiarkar concerned is directed to examine the claim of the petitioner minutely and particularly keeping in view the above mentioned judgments and decrees, and if they are still entitled

to their shares, to mutate the land in their names strictly in accordance with law, subject to their entitlement and after providing opportunity of hearing to all concerned, particularly the other khatedars and co-owners. Needless to say mutation, if any, shall be effected strictly subject to entitlement of all the legal heirs and khatedars. Let notice be issued to the Mukhtiarkar concerned for compliance.

The petition and listed applications stand disposed of in the above terms with no order as to costs.

JUDGE

JUDGE

karar_hussain/PS*