

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI
Miscellaneous Appeal No. 85 of 2021

Date	Order with signature of Judge
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1. For orders on CMA No.6600/2021 (Urgency) :
2. For orders on CMA No.6601/2021 (Condonation of delay) :
3. For orders on CMA No.6602/2021 (Exemption) :
4. For orders on CMA No.6603/2021 (Stay) :
5. For hearing of main case :

22.12.2021 :

Mr. Muhammad Aslam, advocate for the appellant.

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NADEEM AKHTAR, J. – S.M.A. No.877/2019 was filed by respondent No.2 for the grant of letters of administration in respect of the immovable property bearing No.262, Block B-7, Mehran Colony, Malir Karachi, measuring 125 sq. yds., with construction thereon, left by his late father Hafeezul Qadeer Khan. In the aforesaid petition, the present appellant No.1 and respondent No.3 filed objections as well as an application under Section 295 of the Succession Act, 1925, praying that in view of the objections raised and claim made by them in their said application, the aforesaid S.M.A. be converted into a regular Suit. Their objections were rejected and the said application was dismissed by the learned trial Court vide order dated 07.09.2021. Thereafter, the S.M.A. filed by respondent No.2 was allowed by the learned trial Court vide order dated 12.10.2021, which has been impugned through the instant appeal.

Learned counsel for the appellant concedes that the order passed by the learned trial Court on 07.09.2021 whereby the application filed by the appellant and respondent No.3 / objectors was dismissed, was not challenged by the appellant, or even by respondent No.3. Thus, the said order had attained finality before passing of the impugned order. After having accepted the said order, the appellant / objector cannot challenge the order dated 12.10.2021 impugned through the present appeal. Accordingly, the appeal and listed applications are dismissed in limine with no order as to costs.

J U D G E