

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

*Civil Succession Appeal No. S-02 & 03 of 2018*

**Appellant:** Abdul Hadi Chandio, through Mr. Mazhar Ali Mangrio, Advocate

**Respondent:** Mst. Shareefan & others, through Mr. Nadeem Ahmed Qureshi, Advocate

**Date of hearing:** 29.11.2018

**Date of decision:** 29.11.2018

**J U D G M E N T**

**KHADIM HUSSAIN TUNIO, J.** This single judgment will dispose of captioned Succession Civil Appeals filed by the parties in respect of debts and security left by deceased Abdul Ghaffar Chandio. Being aggrieved and dissatisfied on the order dated 17.02.2018, passed by the learned District Judge, Kamber-Shahdadkot @ Kamber, whereby succession application filed by Mst. Shamul and application under Order 1, Rule 10, CPC filed by one baby Romana were dismissed and left parties and directed them to get themselves declared to be legal heirs of deceased Abdul Ghaffar.

2. Precisely, facts of the instant appeals are that the appellant, who filed Succession Petition bearing No.16 of 2017 against the respondents No.1 to 10, 12 & 13 to obtain succession certificate in respect of debts and securities left by the deceased, Abdul Ghaffar Chandio, who was his real brother and as he is the only legal heir of the deceased. Meanwhile, the respondent No.11 namely Mst. Baby Romana filed a suit for dissolution of her marriage with the

deceased, who passed away while she was in her *iddat* period and then filed application under Order 1, Rule 10, CPC wherein she pointed out that she is the legal heir of the deceased, being his widow, which was allowed and Mst. Baby Romana was arrayed as respondent No.13 in the captioned succession petition. Another Succession Application bearing No. 36 of 2017 was filed by Mst. Shamul, respondent No.3, wherein she showed only one Shafique Rehman as son of the deceased, but claimed that he is the adopted son of respondent No.3, which was disaffirmed by the respondent No.3. She also claimed that the respondent No.2 had contracted a second marriage after the death of the Abdul Ghaffar.

3. After hearing the parties, the learned District Judge, Kamber-Shahdadkot advised the parties to prove themselves as the legal heirs of deceased through courts of law then approach the Court for grant of succession certificate.

4. Learned counsel for the parties have reiterated the same contentions as the grounds in the pleadings and prays for grant of succession certificate in respect of debts and securities left by deceased by setting aside the impugned orders and allow the succession application.

5. I have heard the learned counsels for the parties and have gone through the relevant record.

6. From the perusal of record, it contemplates that the contentions of the parties as well as evidence are mixed questions

of law and facts, which shall be determined and thrashed out through regular trial by the competent civil Court having jurisdiction after providing opportunity of hearing as well as recording of evidence regarding their pleas raised in the respective pleadings, therefore, there is no illegality or irregularity pointed out by the parties in the impugned orders, hence appeals were dismissed by a common short order dated 29.11.2018.

These are the reasons for the same.

**JUDGE**