

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S. M. A. No. 81 of 2021

| Date | Order with signature of Judge |
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For orders on CMA No.901/2021 (If granted) :

01.04.2021 : Mr. Ameer Ali Laghari, advocate for the petitioner.

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Urgency granted.

This petition has been filed by the widow of late Iqbal Mehmood Ghani for the grant of succession certificate and letters of administration in respect of the movable and immovable assets left by him. Office has raised an objection that as only female legal heirs (widow and daughters) of the deceased have been disclosed in the petition, they are not entitled to the entire assets left by the deceased. While addressing the said office objection, counsel for the petitioner relied upon a *Fatwa* (page 25) and stated that according to the said *Fatwa* only the widow and daughters of the deceased have inherited his estate. Perusal of the said *Fatwa* clearly shows that one brother and one sister of the deceased are still alive whose shares have also been stated therein. When confronted with this fact stated in the *Fatwa*, the counsel changed his stance and stated that the deceased's siblings mentioned in the *Fatwa* are not in contact with the widow and daughters of the deceased since long, therefore, their names were not mentioned in the list of legal heirs. He insists that the said surviving siblings of the deceased are not entitled to any share as they have abandoned the widow and daughters of the deceased. Such an absurd contention cannot be accepted as in the absence of a male child, the surviving siblings of the deceased are entitled to inherit according to *Shariah*, and their right of inheritance cannot be denied or forfeited on the above misconceived ground or on any ground whatsoever. Therefore, the said surviving siblings of the deceased ought to have been included in the list of legal heirs of the deceased. Petitioner / her counsel are directed to amend the petition in view of the above, or to satisfy the Court on the next date as to how this petition is maintainable without disclosing all legal heirs of the deceased.

As the petitioner is not being represented properly and the Court is also not being assisted in a proper manner, Mr. Muhammad Abdul Rahman Advocate is hereby appointed as counsel for the petitioner on pro bono basis. Let notice be issued to him to assist the Court on the next date of hearing. Also issue notice to the petitioner to appear in person before this Court on the next date of hearing. To be listed on **15.04.2021 at 11:00 a.m.**

J U D G E