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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Civil Succession Appeal No.S-01 of 2015.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection as Flag 'A'.
2. For Katcha Peshi.

28.11.2016.

Mr. Nadeem Ahmed Qureshi, advocate for the appellant.

Respondent No.3, is present in person.

Mr. Bashir Ahmed Dargahi, advocate for the respondent No.4/Bank.

Through instant Succession Appeal, the appellant has impugned the order dated 27.08.2015, whereby the learned 4th Additional District Judge, Shikarpur, allowed Succession Petition No.06/2015 (re: Mst Kaneez Fatima @ Uroosa v. Irfan Ahmed and others) holding that the respondents No.1 to 3 namely, Mst. Kaneez Fatima @ Uroosa, Muhammad Ali and Muhammad Ibrahim @ Ahmed Ali, being the daughter and sons ^{- and -} legal heirs of deceased Ashfaque Ahmed are only entitled to receive Insurance Policy maturity amount as well as amount of provident fund and the appellant being nominee has no right in the said amount in presence of legal heirs of said deceased.

Mr. Nadeem Ahmed Qureshi, learned counsel for the appellant, has mainly contended that the appellant was nominated as nominee by the deceased Ashfaque Ahmed, during his life time in service for which he is entitled to receive benefit of provident fund insured with State Life Insurance Corporation amounting to Rs.205,268/- and the respondents No.1 to 3 have no legal right to claim for the succession certificate as the principal amount of Rs.35,000/- insured by the deceased Ashfaque Ahmed was invested by the appellant and it is for that reason the appellant was appointed as nominee by the said deceased.

On the other hand respondent No.3, who is present in person has fully supported the impugned order and submitted that since the appellant is not legal heir of deceased Ashfaque Ahmed, he is not entitled for any share in succession.




Mr. Bashir Ahmed Dargahi, learned counsel for the respondents No.4 & 5, has contended that all the benefits, except provident fund, has already been availed

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by the legal heirs of late Ashfaque Ahmed. He further added that the appellant was nominated for provident fund by late Ashfaque Ahmed as per Bank record; and the provident fund is still lying with Bank for want of succession certificate, as per requirement of the Bank.

It appears that deceased Ashfaque Ahmed died on 06.09.1996 as per heir-ship certificate issued by Mukhtiarkar (Revenue) Shikarpur, which also reflects that only respondents No.1 to 3 are the legal heirs of said deceased. It further appears that deceased Ashfaque Ahmed had taken policy on 06.08.1996 and deposited the amount of Rs.55000/-, he also paid Rs.2952/- per year as premium, while the date of maturity of policy was 31.07.2008. The said deceased appointed his nephew Irfan Ali (the appellant) as nominee, as at that time he was issueless and thereafter the respondents No.1 to 3 were born to deceased on 01.04.1992, 15.12.1988 and 20.03.1991 respectively. So far the contention of the appellant is concerned, nothing has been brought on record to establish that the premium amount was paid by him and so also amount of Rs.35,000/-. Under section 372, although the death claim, group insurance are not "Tarka" to be inherited by the legal heirs but those are grant/compensation for widow and children of deceased, hence only respondents No.1 to 3 are entitled for it.

Since the impugned order does not suffer from any illegality or irregularity, the same cannot be interfered in the appellate jurisdiction of this Court. Resultantly, instant Succession Appeal is dismissed with no order as to costs.


Judge 28/11/2016

M.Y.Panhwar/**