

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 55 of 2024

(Trooh Khan v. Abdul Rasheed & others)

Date of hearing : **10.02.2025**

Date of decision : **10.02.2025**

Mr. Badaruddin Memon, Advocate for deceased applicant's legal heirs.

Mr. Sajjad Muhammad Zangejo, Advocate for respondent No.1.

Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh.

ORDER

Zulfiqar Ahmad Khan, J. – This Civil Revision has been filed against the order dated 10.01.2024, passed by the learned Additional District Judge-III, Naushahro Feroze, on an application under Section 151, CPC, in a disposed-of Succession Application No.238 of 2020, wherein the said application has been dismissed.

2. The facts of the case, in brief, are that Abdul Rasheed, the applicant in the Succession Application, claimed that his brother, Haji Mubarak S/o Ghulam Nabi, passed away on 15.04.2014, leaving behind his only grandson, Noor Ahmed S/o Ghulam Nabi, as the sole legal heir to his movable and immovable properties, along with various amounts in different bank accounts. As Noor Ahmed was a minor at the time of his grandfather's death, he was unable to file any succession application. Noor Ahmed was subsequently murdered on 08.04.2018, along with his wife and mother. Since Noor Ahmed died without issue, the legal heirs entitled to inherit his property were Abdul Rasheed (his grandfather's brother, the applicant in the Succession Application) and Mehmood and Mst. Peerani alias Noor Bibi (his grandfather's brother and sister, the opponents in the Succession Application). Abdul Rasheed filed the Succession Application, which was allowed by the learned District Judge, Naushahro Feroze, vide order dated 09.12.2020.

3. The present applicant, father of deceased Mst. Begum (mother of Noor Ahmed), filed an application on 10.12.2020 for an enquiry and for halting the payment to Abdul Rasheed. However, the application was dismissed for non-prosecution on 15.02.2023. Subsequently, the applicant filed the current application under Section 151, CPC, which was dismissed by the impugned order dated 10.01.2024.

4. Perusal of the impugned order reveals that the applicant had also approached the learned Senior Civil Judge-II, Kandiaro, with an application under Order I Rule 10, CPC, claiming to be one of the legal heirs of deceased Noor Ahmed. However, the Mukhtiarkar's report did not recognize him as a legal heir. As a result, his application was dismissed vide order dated 05.09.2019. The applicant challenged this order through Civil Revision No.01 of 2020, but the learned Additional District Judge, Kandiaro, dismissed it by order dated 24.09.2022; however, against said order, no appeal etc. was preferred by the applicant as nothing in this regard was brought before the learned Additional District Judge-III, Naushahro Feroze, who subsequently passed the impugned order.

5. In light of the aforementioned facts and the absence of any valid legal standing that could justify interference with the impugned order, the present Civil Revision is **dismissed** along with pending application(s), if any.

Above are the reasons of my short order dated 10.02.2025.

J U D G E

Abdul Basit