

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. S – 140 of 2024

(Khalil Ahmed Thaheem v. Province of Sindh & others)

Date of hearing : 17.03.2025

Date of decision : 17.03.2025

Mr. Muhammad Aslam Gaddani, Advocate for petitioner.
Mr. Muhammad Hamzo Buriro, Advocate along with respondents.
Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh
along with PI Ihsan Phulpoto on behalf of SSP Sukkur and SIP
Shahzado of Police Station Pano Aqil.

ORDER

Zulfiqar Ahmad Khan, J. – The petitioner has filed this petition for alleged missing of his mother namely, Mst. Basran. It is the claim of the petitioner that he, along with his mother and siblings, was living separately from respondents No.6 to 8, though respondent No.8 is his biological father. These respondents have repeatedly threatened and attacked the petitioner's mother, forcing her to seek refuge with respondent No.12, a Sardar / Wadero, in 2011. Upon becoming an adult, the petitioner and his siblings discovered that their mother had been returned by respondent No.12 to their father and uncles (respondents No.6 to 8 and 11). On 20.08.2024, they approached the said respondents seeking her return but received no satisfactory response. The petitioner now fears for his mother's safety, believing that she may be at risk of harm or murder. Finding no alternative remedy, the petitioner has approached this Court with the following prayers:

- a. *That this Honourable Court may kindly be pleased to direct the respondents No.4 & 5 to conduct raid upon the private respondents No.06 to 11 for safe recovery of above mentioned missing person (abductee) and produce her before this Honourable Court and she may be set at liberty.*

b. To grant any other relief to the petitioner which this Honourable Court deems fit and proper.

2. Respondents No.6, 7 and 9 have filed objections in the form of counter-affidavits, asserting that the petitioner's claims are false, baseless and fabricated. According to the respondents, the petitioner, in collusion with respondent No.12 and his lawyer, has filed the petition with ulterior motives, intending to damage the reputation and business of the respondents. They claim that the petition is part of a larger scheme to extort or blackmail them, including threatening to impose a penalty through a *jirga*. The respondents further assert that the petitioner has suppressed critical facts, particularly regarding the alleged "missing" person, Mst. Basran, who they claim is deceased. They support this with a death certificate issued on 10.09.2024, showing that Mst. Basran had passed away on 05.03.2013, due to natural death. They also placed on record a copy of microfilmed entry dated 01.07.2021, whereby the land of Mst. Basran is shown to have been transferred in the names of petitioner and his brother Gul Bahar. The respondents accuse the petitioner of being involved in intoxicant and gambling activities, citing certain FIRs against him, and claim that this petition is an attempt to harass them. Lastly, they prayed for dismissal of the petition.

3. Respondent No.5 (SHO, Police Station, Pano Akil) has filed a statement confirming the death of Mst. Basran. The statement indicates that, upon investigating the matter, the SHO discovered from the death certificate issued by the Government of Sindh that the alleged missing person, Mst. Basran, passed away on 05.03.2013 due to natural death and was buried at Mai Jundo graveyard. The statement further reflects that the said death certificate was issued at the request of the petitioner.

4. Similar report has also been filed by respondent No.4 (Sub-Divisional Police Officer, Pano Akil); however, he further added that on 12.10.2024, he issued a letter along with copy of death certificate for verification from the concerned Town Officer, and in response, the Town

Officer through his report verified the same as correct. The Town Officer further clarified that the petitioner (Mst. Basran's son) got the certificate on 25.02.2024, while the duplicate certificate was obtained by respondent No.8 (deceased's husband) on 10.09.2024. Respondent No.4's report further revealed that the petitioner moved an application to Mukhtiarkar (Revenue), Pano Akil for changing the *foti khata* of his deceased mother, Mst. Basran, such application was allowed and the relevant entry was kept in the revenue record. The said entry has also been microfilmed by the Board of Revenue, Hyderabad.

5. Heard learned Counsel for the parties and perused the material available on record with their assistance.

6. The crux of the petition is the claim that the petitioner's mother, Mst. Basran, is missing and in imminent danger. However, the documents presented by the respondents, particularly the death certificate issued by the Government of Sindh, directly contradicts the petitioner's claim. The death certificate, which was issued at the petitioner's request, confirms that Mst. Basran passed away on 05.03.2013 due to natural death and was buried at Mai Jundo graveyard. This document, supported by the statement of respondent No.5, the SHO concerned, confirms the death of the alleged missing person, making the foundation of the petition i.e. alleging her to be missing as untenable.

7. It is significant to note that the death certificate was obtained at the petitioner's request. Respondent No.4's statement also reveals that the petitioner himself sought the death certificate from the Town Officer in 2024, further indicating that he was fully aware of his mother's death.

8. The respondents have pointed out that the petitioner has deliberately suppressed critical facts, including the actual death of his mother. Furthermore, the petitioner's attempt to change the *foti khata* of the deceased mother is another indication that he was aware of her death. This manipulation of land records, supported by the report from

respondent No.4 further substantiates the respondents' claim that the petition is based on a misrepresentation of facts.

9. The respondents have also provided evidence of the petitioner's involvement in criminal activities, such as intoxicant and gambling, as evidenced by multiple FIRs against him. This further calls into question the credibility of the petitioner's claims and the integrity of the petition itself.

10. Based on the overwhelming evidence, including the death certificate, the petitioner's own actions and the respondents' detailed counter-affidavits, it is clear that the petitioner's claims are unfounded and fabricated. The petitioner has failed to present any credible evidence to substantiate the allegation of his mother being missing or in danger. Furthermore, the *mala fide* intentions behind the petition, as well as the suppression of key facts, further justify the dismissal of the petition.

11. In light of the above reasons, this Court finds that the petition is without merit; hence, the same is hereby **dismissed**.

These are the reasons of the short order dated 17.03.2025.

J U D G E

Abdul Basit