

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constt. Petition No. D- 92 of 2019.

Date of hearing	Order with signature of Judge
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14.04.2021.

1. For orders on office objections.
2. For hearing of main case.

Mr. Habibullah G. Ghouri, Advocate for petitioner.  
Mr. Zamir Ali Shah, Advocate for respondent No.6.  
Mr. Abdul Hamid Bhurgri, Addl. A.G.

It appears after hearing the counsel that, a man named Muhammad Bux died about thirty years ago leaving behind five heirs i.e. his widow, his son Muhammad Nawaz (the petitioner), Sultan and two daughters. Sultan also subsequently expired leaving behind five daughters and one widow as his legal heirs. Muhammad Nawaz approached the Mukhtiarkar for amending the property records to reflect the position of ownership of the lands. However, a dispute between the families seems to have arisen, in which the legal heirs of Sultan are of the view that as they belong to the Shia faith, Muhammad Nawaz is not entitled to a share of property which was owned by Sultan.

On the other hand the petitioner submits that this is a false stance taken by Sultan's heirs and that, if the Mukhtiarkar and Assistant Commissioner Dokri were to do their job properly and comply with the procedure that is applicable in law for the change of ownership on the basis of Foti-Khata then it would be crystal clear that the stance of Shia faith taken by Sultan's heirs is incorrect. The petitioner is of the view that the entire locality supports his stance.

Mr. Habibullah G. Ghouri, learned counsel for petitioner submits that at this stage he will be satisfied, if the Mukhtiarkar and Assistant Commissioner Dokri are directed to act in accordance with law and comply with the procedure that is prescribed by law for the change in records upon a person dying. He suggests that one month time be given to the revenue authorities, within which they can give a final determination in the matter. If, such directions are given Mr. Ghouri submits that he will not press this petition at this stage and will seek his legal remedy once a determination is made by the Mukhtiarkar and Assistant Commissioner Dokri. Learned counsel for respondent No.6 and learned Addl. A.G. are in agreement. Accordingly, Mukhtiarkar and Assistant Commissioner Dokri are directed to make that determination in the matter in accordance with law within a period of one month and provide a patient hearing to both disputing parties. The Mukhtiarkar and Assistant Commissioner shall also ensure that