

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P.No.S-230 of 2026
Misbahuddin Mehmood.....v/s.....Mumtaz Nawaz

DATE	ORDER WITH SIGNATURE(S) OF JUDGE(S)
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- 1.For orders on office objection.
2.For hearing of CMA No.995/2026
3.For hearing of main case.

06-08-2026

Mr.Muhammad Aqil, Advocate for the Petitioner.
Mr.Kh.Muhammad Azeem, Advocate for the Respdent No.1 along with
Respondent No.1 in person.

This petition has been directed against the order dated 24.01.2026 passed by learned XIVth Additional District Judge Karachi in S.M.A. No.267/2024, whereby an application under Section 383 of the Succession Act, 1925 read with Section 151 CPC filed by the petitioner was declined.

2. By consent of the parties this petition is disposed in the following terms:-

(a) Mst.Sabiha Khatoon died issueless. She was survived by husband and brother. She left certain property in life estate, which according to the Shariah is dividable between her husband and her brother to the extent of 50% share.

(b) During proceedings before the trial Court, the petitioner had granted no objection for the issuance of succession certificate, however, grant of succession certificate by way of no objection did not deprive the petitioner of his due share in the property.

(c) Muhammad Nawaz (Respondent No.1), who is also present in Court contends that he is ready and willing to give 50% share in the property left by the deceased Ms.Sabiha Khatoon to her brother Misbahuddin Mehmood, who is petitioner in the present petition, as per the entire properties lying either with the banks or in the locker, as per the inventory prepared by the Nazir in succession proceedings. The petitioner's counsel submits that he will file an application before the learned trial Court for the share in the moveable assets drawn in the

succession certificate, which learned counsel for the respondent undertakes to transfer to the petitioner in accordance with his share.

(d) Learned trial Court on receipt of an application shall decide its fate and will deliver the respective shares in the left estates of Mst.Sabiha Khatoon to her husband and her brother in accordance with Shariah and shall modify the succession certificate vide order dated 14.05.2025.

(e) Above mentioned exercise shall be conducted within a period of 30 days.

3. This petition is disposed of in the above terms.

Office is directed to send copy of this order to the learned trial Court for compliance.

nasir

Judge