

ORDER SHEET

HIGH COURT OF SINDH, KARACHI

C.P. NO. D-4523/2012

Date

Order with signature of Judge

-
1. For katcha peshi.
 2. For hg. of Misc. 7357/13

===

13.05.2013

Mr. Zakir Hussain Khaskheli, Advocate for petitioner.

The case of the petitioner is that she is widow of Farooq Azam son of Muhammad Azam, who was a Police Constable and died his natural death on 28.7.2012 but the Respondents are not releasing financial benefits to her such as Group Insurance, Gratuity, G.P. Fund, pension or any other amount payable under the service laws.

The petitioner present in Court states that she is issueless and not aware of any other relative of her husband. She states that her husband had only mentioned that he hailed from Gujranwala and had only one brother who had died during the life time of her husband.

The petitioner states that she is issueless. It is not ascertainable whether the brother of the deceased had children or there are other living distant relatives. Under the Islamic Law of Inheritance if a person is issueless then apart from the share of the widow, rest of the estate devolves upon the residuaries of the deceased. In the circumstances, we direct the petitioner to obtain a Succession Certificate from a competent Court of law. If she succeeds in getting the same then whatever amount is payable to her towards pension or as a share of widow shall be paid to her. The portion which is inheritable by the

residuary of the deceased the same shall be retained by the respondents which is only to the extent of 75% and 25% shall be released to the petitioner as well as pension. After obtaining the Succession Certificate, the petitioner shall approach the respondents with all necessary documents so that her claim could be processed.

With the above directions, this petition is disposed of.

JUDGE

JUDGE

