

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.
R.A. No. 67 of 2011.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on CMA-1250/13.
For katcha peshi.
For hearing of CMA-177/11.

17.09.2014.

Mr. Qamar Mehmood Baig, Advocate for applicants.
Mr. Raja Khan, Advocate for respondent N.1.
Mr. Ashfaque Nabi Qazi, A.A.G.

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The applicants have filed Suit No.518/2008 for cancellation, declaration and possession before IV-Senior Civil Judge, Hyderabad claiming themselves to be legal heirs of deceased Muhammad Ibrahim Khan S/o Dawood Khan, who died in the year 1978. The suit was filed primarily on wrong premises as the legal heirs instead of filing a suit for administration or approaching the District and Sessions Judge to obtain succession certificate / legal administration in respect of the immoveable property left by the deceased, they have filed suit for declaration and possession. The applicants should have filed a suit for administration of the property of the deceased. The applicants` counsel even in this revision claims that they are entitled 75% share in the property left by the deceased, but such averments are available in the plaint. Nor details of claim of respondents have been disclosed. No such claim can be entertained in this revision application as the suit was not by the provisions of Succession Act,1925 as well as the provisions of Order XX Rule 13, CPC. The suit was not maintainable and it has rightly been rejected by the trial Court under Order VII Rule 11 CPC. Therefore,

this revision application is also dismissed for having no merit. However, since it is a case of distribution of the estate of the deceased which have not been done, the applicants may adopt a proper course of law for determination of their rights.

This revision application is disposed of alongwith listed applications.

JUDGE.