

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR  
**C. P No. D – 48 of 2016**

Date	Order with Signature of Hon'ble Judge
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**Hearing of case**

- 1. For orders on CMA No.120/2016 (Ex.A)
- 2. For hearing of main case  
(Order sent)

**14.11.2019**

Mr. Muhammad Rehan Khan Durrani Advocate for the petitioner  
Mr. Mehmood Khan Yousufi, DAG  
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Through instant Constitutional petition, the petitioner has prayed that the respondents may be directed to issue Pension Payment Order in her name, enabling her to draw pension of her deceased husband namely Zain-ul-Abideen, as she had contracted second marriage with the deceased.

2. Eshwar Lal, Incharge Officer, Immigration and Passport Sukkur is present and files comments on behalf of respondents 1 and 2, which are taken on record. In their comments, the respondents 1 and 2 have stated that the deceased Zainul Abideen Qureshi who has been retired from the post of Deputy Assistant Director, Region Passport Office Larkana on 09.01.1997 on attaining the age of superannuation has got issued Pension Payment Order in his own name and drew all financial benefits himself. It is further stated that the deceased Zainul Abideen during his lifetime has shown his family as under;-

(i)	Waseem Fatima	Wife
(ii)	Sohail Abedin	Son
(iii)	Nadeem Abedin	Son
(iv)	Mobin Abedin	Son
(v)	Muneer Abedin	Son
(vi)	Miss. Rubina Abedin	Daughter
(vii)	Miss. Erum Abedin	Daughter

3. On the last date of hearing, learned counsel for the petitioner has filed the statement along with family registration certificate and submits that the petitioner had contracted second marriage with the deceased Zainul Abideen and he has

also placed on record the family tree of the petitioner, but learned counsel for the petitioner has not arrayed all the other legal-heirs of the deceased in this petition.

4. A specific question was asked by the Court from learned counsel for the petitioner with regard to the maintainability of instant Constitutional Petition, as the disputed facts are involved in the matter, which cannot be resolved by this Court under Article-199 of the Constitution of the Islamic Republic of Pakistan, 1973, which requires evidence, to which learned counsel for the petitioner states that the petitioner will avail her remedy before the proper forum, if she may be permitted for redressal of her grievance in accordance with law. In view of his statement, the instant Constitutional petition is dismissed as not pressed. However, the petitioner is at liberty to avail her remedy, if any, before the proper forum in accordance with law, if so advised.

Judge

Judge

ARBROHI