

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Misc. Appeal No. 11 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on CMA No.382/2025.
2. For orders as to maintainability.

06.08.2025

Mr. Mehmud Hussain, Advocate for the Appellant.
Mr. Ahmed Khan Khaskheli, Assistant Advocate General, Sindh.

Learned counsel for the Appellant has appeared in the matter and stated that the Appellant is true uncle of the Deceased who passed away on 19.10.2020. He further submits that he remains the only legal heir of the Deceased namely Nishat Ali Khan son of Shafat Ullah Khan (late). He further submits that all the due process was followed including publication etc. and no objection was ever received from any person. He states that he filed SMA No. 32/2024 for obtaining his share in the Deceased's immovable property. The Impugned Order was passed on 18.12.2024 ("**Impugned Order**"), whereby the learned XIVth Additional District Judge, Karachi East has erroneously stated that there was no evidence available on record to show that the Appellant was brother of the Deceased and therefore, the Appellant's SMA for grant of Succession relating to the Deceased's property was dismissed.

2. It is against the said Impugned Order that the Appellant has filed instant Appeal. He has stated that there was fair evidence such as a National Identity Card, as well as letters from National Database and Registration Authority (NADRA) dated 06.09.2023 & 20.11.2024 respectively, which have verified the Appellant to be the brother of the Deceased, and further verified that under the NADRA Database there are no other living family members of the Deceased on their record.

3. He further submits that officers of NADRA even appeared before the Trial Court and letters dated 06.09.2023 and 20.11.2024 (which are available on record).

4. Learned A.A.G., Sindh who is appearing on Court Notice appeared and has gone through the File. He stated that *prima facie* it appears the NADRA Letters are proper and lawful, and in this regard he states at this stage he does not have any reason to dispute to them or the claim of the Appellant.

5. I have heard the arguments of the learned Counsel as well as the A.A.G, Sindh, and have gone through the File. This is a matter relating to succession,

which is an automatic right immediately devolving to legal heirs upon passing of a person, and such right cannot be denied. As per the documents available on record, it appears that the Appellant established a case before the Trial Court, and that NADRA has verified that the Appellant was the uncle of the Deceased. Furthermore, nothing is on record which controverts the same nor has any person appeared disputing the Appellant's alleged claim towards the estate of the Deceased. I find that the Impugned Order has erred by not considering the letters of NADRA, and by discarding settled principles under Shariah Law of Inheritance, whereby any legal heir is entitled to their share of inheritance in the estate of a deceased person, which succession opens immediately upon death of such person. In this regard there is a plethora of settled precedent,¹ which does not require any further deliberation.

6. Accordingly, this instant Appeal is allowed. However, NADRA is directed to verify its two letters i.e. Letter No. NADRA/ CNIC/VER/C/R.B/3156 dated 06.09.2023 and Letter No. NADRA/ CNIC/VER/C/R.B/4080 dated 20.11.2024 and submit a compliance report through a statement to the Trial Court showing the authenticity of the said Letters or otherwise. If NADRA maintains that the said Letters were legitimate and issued by them (i.e. NADRA), and does not state anything to the contrary, the Appellant shall be entitled to grant of a Succession Certificate for the property of the Deceased, if there remain no other legal impediment. In such instance the Trial Court shall draw up and issue a Succession Certificate to the Appellant accordingly after fulfillment of all legal formalities by the Appellant.

This instant Appeal is disposed of accordingly in the above terms.

JUDGE

M. Khan

¹ 2007 SCMR 635; P 2005 SC 511.