

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 87 of 2018

Order with signature of Judge(s)

1. For hearing of CMA No.1399/2018
2. For hearing of main petition

16.08.2018

Ms. Rashida Parveen, Advocate for the Petitioner

1. Through instant application, the counsel has brought to Court's attention that the Petitioner, who is real father of the deceased, ought to be given full share of the properties left by the deceased, who remained unmarried. She places reliance on NLR 1982 UC [Rehmat Ali etc. v. Muhammad Iqbal], Fatwa of the Darul Iftah (Jama-ul-Uloomul Islam, Allama Binnory Town Karachi and refers to relevant provision of the Hanafi Law of Inheritance, Distribution of Shares under Islamic Sharia Law page 652 where as per the writings of Syed Ameer Ali "*where the father exists by himself, he takes the entire inheritance*". She has also produced the order of Personal Status Court, Government of Dubai in Muslims Succession Certificate No.1045 of 2017 [Osman Ebrahim Ebrahim Muhammad, Applicant] dated 21.11.2017 to show that under Hanafi Law of Inheritance, the father excludes brother and sister as the principle is that "*Whoever is related to the deceased though any person shall not inherit while that person is living*". This fact could also be affirmed by entering applicable data at www.inheritancecalculator.net

In the circumstances at hand, application is allowed by declaring the Petitioner father of the unmarried deceased son as the recipient of entire inheritance of the deceased.

2. Counsel further stated that all the codal formalities in this SMA have been complied with. Office is directed to issue letter of Administration and Succession Certificate favouring the Petitioner, as prescribed, in the presence of two witnesses of this SMA.

JUDGE