

Order Sheet  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

**Before:-**

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

**CP No. D- 2184 of 2019**

(Hussain Akbar V/S Federation of Pakistan and others)

Date of hearing  
& decision:

27.11.2019

None present for petitioner

Mr. Muhammad Humayoon Khan, Deputy Attorney General

**ORDER**

Petitioner claims to be one of the legal heir of deceased Mst. Iqbal Bano and mutation in the names of legal heirs is required to be effected in the record of rights in the office of Military Estate office Hyderabad in accordance with law; therefore, he seeks direction to Military Estate officer Hyderabad to effect Foti Khata Badal in the names of all the legal heirs.

Case of the petitioner is that his mother namely Mst. Iqbal Bano was lease holder of a bungalow over plot No.113, class B-3, survey No.142 admeasuring 600 sq. yards situated in Defence Housing Society Hyderabad. Mother of the petitioner passed away on 8.4.2015, leaving behind legal heirs as mentioned in para-3 of the memo of petition, such heirship certificate was issued by learned Civil Court; that after the death of his mother, the petitioner moved an application to respondent No.3 / Military Estate Officer, Hyderabad, to transfer the lease holding rights of the above bungalow amongst all the legal heirs of deceased Mst. Iqbal Bano but respondent No.3 kept his application un-attended on the pretext that an enquiry is pending against the father of petitioner before National Accountability Bureau (NAB); that in spite of producing the letters / orders issued by Director General NAB Karachi regarding closure of enquiry in 2006, before respondent No.3, he is reluctant to transfer the lease holding rights amongst the legal heirs, hence he has filed the instant petition.

Case of the petitioner appears to be simple one and can be disposed of by directing the competent authority / Military Estate Officer, Hyderabad, to transfer the lease holding rights of the above bungalow amongst all the legal heirs of deceased Mst. Iqbal Bano if there is no impediment under the law.

However, let at the first instance notice be issued to the respondents as well as learned D.A.G. for a date to be fixed by the office. In the meanwhile, learned D.A.G. is directed to ensure that proper comments are filed by respondent No.3 before the next date of hearing.

To come up in the second week of this month.

JUDGE

JUDGE

Karar\_hussain/PS\*