

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-6099 of 2021

Date

Order with Signature(s) of Judge(s)

Hearing of case:

1. For order on office objection.
2. For hearing of main case.

18.11.2021

Mr. Fareed Ahmed, Advocate for petitioners.
Mr. Mehran Khan, Assistant Advocate General Sindh
a/w Bashir Ahmed Memon-Mukhtiarkar, Shah
Mureed.

Through instant petition, petitioners (1) Mst. Bas Khatoon Wd/o Khuda Bux and (2) Mst. Amna Bibi Wd/o Gul Hassan seek, inter alia, declaration that the act on part of the respondents No.1 to 3, regarding not making entry in the record of right in the name of the legal heirs of the both deceased on the basis of inheritance shares, in respect of Deh land bearing Survey Nos. 81, 86, 87, 99 to 112, 121 to 123 and 297, situated in Deh Allah Pai, Tappo Songal, Karachi, after receiving the applications for same purpose, is illegal and unlawful and the same is not sustainable in the eye of law.

Learned Assistant Advocate General through his statement files copies of Revenue Entries, which are taken on record. He contends that earlier husband of petitioner No.2, namely, Gul Hassan S/o Khuda Bux filed C.P. No.D-5309/2019, wherein the respondent No.3- Mukhtiarkar, (Revenue) Sub-Division, Shah Mureed, Karachi filed parawise comments wherein he specifically submitted that Foti Khata Badal of deceased Khuda Bux S/o Din Muhammad Brohi regarding his shares in subject land was already effected on 21.06.2000. The extract of the entry has already been attached by the petitioner with the memo of petition as Annexure “A”. The name of the petitioner No.1 is appearing at Serial No.4 while

the name of deceased husband of petitioner No.2 at Serial No.01 as the shareholders in the extract. Subsequently the petitioner alongwith various other shareholders sold out their shares to different khatedar's. Lastly the land was purchased by the Director of Estate Project Pakistan Air Force through its Director Estate Project Mr. Arbab Naveed Akbar S/o Noor Akbar as per entry at No.80 dated 14.04.2015.

The copy of alleged parawise comments are annexed as annexure 'B' at page No.25 to 27 with the memo of petition. When the same were confronted, the learned counsel for the petitioner contends that earlier petition referred to by the learned AAG was disposed of vide order dated 10.03.2021 on being satisfied by the deceased petitioner Gul Hassan that the record of Deh Allah Pai is not with NAB and he would look into the matter in accordance with law. He further contends that the petitioners are being legal heirs of deceased Khuda Bux and his son Gul Hassan are entitled to have their respective shares in the subject property.

Since it reflects from the record that Foti Khata Badal of deceased Khuda Bux was already effected on 21.06.2000 in favour of petitioner No.1 and husband of petitioner No.2 which reflects from the Deh Form annexed as annexure 'A' at page No.19 with the memo of petition, no case for the grant of relief(s) as prayed by the petitioners is made out; therefore, this petition is dismissed, accordingly.

JUDGE

JUDGE