

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
M.A. No. 53 of 2021

Date	Order with Signature(s) of Judge(s)
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Hearing of case (Priority)

1. For orders on C.M.A. No. 6546/2021.
2. For orders on C.M.A. No. 6547/2021.
3. For orders on C.M.A. No. 6548/2021.
4. For orders on C.M.A. No. 5718/2021.
5. For orders on C.M.A. No. 6072/2021.
6. For orders on C.M.A. No. 3765/2021.
7. For orders on C.M.A. No. 3766/2021.
8. For orders on C.M.A. No. 4838/2021.
9. For orders on C.M.A. No. 5112/2021.
10. For hearing of C.M.A. No. 4392/2021.
11. For hearing of C.M.A. No. 4268/2021.
12. For hearing of C.M.A. No. 4269/2021.
13. For hearing of main case.

10.01.2022

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Appellant Mst. Urooj Qadri, present in person.  
Mr. Juzer Pishori, Advocate for respondent.  
Mr. Ghulam Akbar Uqaili, A.A.G.  
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This Miscellaneous Appeal, under section 299 of the Succession Act, 1925 (*“the Act”*) is directed against order dated 29.05.2021, whereby the learned District Judge, Karachi-East revoked/annulled the Letter of Administration, issued in her favour in S.M.A. No. 236 of 2017 (*S.M.A.*) vide order dated 17.05.2017, with the directions to her to surrender the original Letter of Administration and mutation entry, if any, executed / prepared in compliance of the said order and also to show cause as to why proceedings under section 193, Cr. P.C. should not be initiated against her for making or fabricating false evidence in the S.M.A.

2. The appellant contends that during hearing of Civil Suit No. 1048 of 2019 maintained by the respondent No. 1 and two others against her and another, she was ready to pay off the shares of other legal heirs of the deceased, namely, Syed Yousuf Hussaini s/o. Syed Mustafa but the Civil Court i.e. V<sup>th</sup> Senior Civil Judge, Karachi-East did not allow her to do so. She further contends that she also tried to make compromise in said civil suit but her efforts

went in vain, as the Civil Court refused to allow her to make compromise with the other legal heirs of the said deceased. She also contends that she is ready to deposit the shares amount of the other legal heirs of the deceased.

3. On the other hand, learned counsel appearing for the respondent No. 1 maintains that the appellant obtained the Letter of Administration in respect of the assets left by deceased Syed Yousuf Hussaini by claiming herself as his only surviving legal heir being his widow by playing fraud and misrepresentation and by concealing other legal heirs of the said deceased, namely, Syeda Sarwar Fatima, Syeda Afzal Fatima, Syeda Akhtar Fatima, Syed Jafar Hussaini and Syed Masood Hussaini, who being real sisters and brothers of the said deceased, respectively, are entitled to receive their respective shares in accordance with Sharia. He further maintains that when such fact was brought into the knowledge of the learned trial Court by way of application under Section 383 of the Act, the learned trial Court rightly revoked the Letter of Administration vide impugned order, which requires no interference of this Court under its appellate jurisdiction.

4. Heard the appellant as well as learned counsel appearing for the respondent No. 1 and perused the material available on record.

5. It appears that the appellant maintained the S.M.A., under Section 278 of the Act for the grant of Letter of Administration in respect of assets left by her said deceased husband, claiming herself to be his only surviving legal heir, which S.M.A. was granted by the learned District Judge, Karachi-East vide order, dated 17.05.2017. Afterward, respondent No. 1 maintained an application under Section 383 of the Act, seeking revocation of the Letter of Administration on the ground that the same was obtained by her by way of fraud, misrepresentation and concealment of the real facts from the Court, which was allowed by the learned trial Court vide impugned order.

6. Section 263 of the Act empowers the Court to revoke or annul the Letter of Administration for just cause, which deemed to exist where, *inter alia*, the grant was obtained fraudulently by making a false suggestion, or by concealing from the Court something material to the case; or the grant was obtained by means of an untrue allegation of fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently.

7. In the instant case, it is an admitted position that the appellant while applying and obtaining Letter of Administration through S.M.A. concealed the fact that besides her, the deceased also left his real sisters and brothers as his surviving legal heirs to inherit his assets; as such, the impugned order does not suffer from any illegality or irregularity requiring any interference of this Court under its appellate jurisdiction. Hence, the instant appeal being devoid of any merit is dismissed accordingly, alongwith listed applications.

*Athar Zai*

JUDGE