

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

M.A No. 01 of 2021

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DATE

ORDER WITH SIGNATURE OF JUDGE

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1. For orders on CMA- 603 of 2021 (Urgency application).
2. For orders on CMA- 604 of 2021.
3. For orders on CMA- 402 of 2021.
4. For orders on CMA- 88 of 2021.
5. For hearing of main case.

05.04.2021

Mr. Mumtaz Ali Soomro, Advocate for the appellant.

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1. Urgency granted.

2 to 5. Learned counsel for the appellant submits that on the ground of laches, the application made by the appellant under section 372 of the Succession Act, 1925, was dismissed; despite the private respondents having given no objection, who are the only contesting legal heirs of the deceased namely Pir Bux.

Admittedly, the provisions of Successions Act, 1925 are not hindered by Limitation Act as long as any of the legitimate claimant survives. Here most of the respondents have given (in writing) their no objection to the grant of instant appeal, same are available on record; same was the case before the trial Court. Accordingly, the instant appeal is allowed alongwith pending applications, listed as serial Nos.2 to 4 and the impugned order dated 03.12.2020 is set aside. Consequently, the matter is remanded back to the trial Court / Additional District Judge-II, Kotri with direction to hear and decide the matter / succession application afresh in accordance with law without considering the issue of delay that the appellant took in approaching the Court.

JUDGE

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