

IN THE HIGH COURT OF SINDH AT KARACHI

Before:

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhry

Constitutional Petition No. D – 200 of 1989

Wazir Ali Industries Limited

Versus

Sindh Labour Appellate Tribunal and another

For hearing of CMA No.10923/2016 (151)

Date of hearing & order : 21.04.2021

Mr. Muhammad Akbar, advocate for one of the legal heirs of the surety.
Mr. Ali Safdar Depar, AAG.

ORDER

ADNAN-UL-KARIM MEMON, J. – Through this application, applicant Muhammad Javed Khan, who is the son of late Abdul Wahid Khan/surety, has prayed that the surety documents submitted by his above named late father with the Nazir of this Court be returned to him. It is contended on behalf of the applicant that instead of applying Letters of Administration in respect of subject property, one of the legal heirs of the deceased viz. Babar filed F.C. Suit No.551/2014 before II-Senior Civil Judge, Hyderabad against all other legal heirs of the deceased, including the present applicant, and the relevant/official departments. The said suit was decreed by the trial Court vide judgment and decree dated 08.11.2016. It is urged that because of the above decree the present applicant and all other legal heirs have been declared as the legal heirs of the deceased, therefore, the present applicant is entitled to collect the surety documents from the Nazir. Per learned counsel, all other legal heirs of the deceased have submitted their affidavits of no objection in favour of the present applicant. Learned counsel referred to the Nazir report dated 15.10.2018 and report dated 03.03.2021 submitted by the learned II-Senior Civil Judge, Hyderabad in compliance with the order dated 24.11.2020.

At this stage, we confronted him with the judgment dated 08.11.2016 passed by the learned II-Senior Civil Judge, Hyderabad in F.C. Suit No.551/2014 whereby it was observed that this judgment of declaration of legal heirs shall not be used as Succession Certificate or Letters of Administration for transfer of immoveable property of deceased. He candidly concedes the legal

position of the case and requests for disposal of the listed application with direction to the legal heirs of deceased surety to approach the appropriate forum for redressal of their grievances under the law.

In view of his statement, this application is disposed of as not pressed, however, it is for the legal heirs of deceased surety to seek Succession Certificate or Letters of Administration from the competent Court of law and seek further remedy as provided to them.

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Nadir