

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P No. D-468 of 2023

Dated Order with signature of Judge.

Hearing of case

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

07.03.2023.

Mr. Ashiq Muhammad, Advocate for the Petitioner

YOUSUF ALI SAYEED, J.- The Petitioner had filed SMA No.681 of 2022 in respect of the estate of his late father, Muhammad Rasheed S/o Abdul Hameed Uddin. The SMA was allowed by the Xth Additional District Judge Karachi East vide Order dated 08.12.2022, with directions to the concerned Department holding the amount said to be due to the deceased on account of his pension and terminal benefits etc, that the same be disbursed to the legal heirs according to rules. Thereafter, the Petitioner apparently filed an application for appointment of the Nazir of the Court to secure and disburse those sums, which remains pending. In that backdrop the Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution seeking that the learned ADJ be directed to appoint the Nazir for the given purpose.

Having considered the Petition and perused the report that has been called from the forum below, it transpires that certain requirements have yet to be fulfilled by the Petitioner. Even otherwise, no such direction can be claimed as of right, for as per the scheme of the Succession Act, once a Certificate is granted to a petitioner, he/she may then exercise their remedy in accordance with law so as to secure payment from such party as may be holding a debt payable to the deceased. Under the given circumstances we see no merit in the instant Petition which stands dismissed accordingly.

JUDGE

CHIEF JUSTICE