

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-1276 of 2023

Date	Order with signature of Judge
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FRESH CASE.

1. For orders on Misc. No.6153/2023.
2. For orders on Misc. No.6154/2023.
3. For hearing of main case.

08.03.2023.

Mr. Javed Kalwar, Advocate for the Petitioner.

YOUSUF ALI SAYEED, J. - The Petitioner's grievance is that upon the demise of her father, who is said to have been an employee of the Karachi Water & Sewerage Board ("**KW&SB**"), she approached the National Database & Registration Authority ("**NADRA**") for issuance of a Succession Certificate, but was declined on the ground that there were two Family Registration Certificates pertaining to the deceased, one showing her mother and siblings as his family, and the other reflecting a second wife as well as children from that marriage. Per the Petitioner, this came as a complete surprise and is patently incorrect, as her late father had not contracted a second marriage. Be that as it may, the Petitioner goes on to narrate that the Petitioner came to know through her mother that the so-called second wife was withdrawing 50% of the pension from the KW&SB, which suggests that her mother at least independently had knowledge of the matter. It is said that the Federal Investigation Agency ("**FIA**") was approached, but no fruitful result was forthcoming.

In that backdrop, the Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, seeking that the FIA be directed to conduct a proper enquiry, so as to take proper action against the private Respondents if they are found to have intruded in the family tree of the deceased, including registration of an FIR as well consequent measures in respect of withdrawal of the pension. Further relief has also been elicited from NADRA for correction of the family tree.

Having considered the matter, we are of the view that the Petition does not fall within the parameters of Article 199 of the Constitution, as the basic grievance of the Petitioner lies against private persons and warrants redressal through an appropriate proceeding before the Civil Court for determination of the competing rights of the private parties.

That being so, we are of the view that the Petition is misconceived. Hence, while granting the application for urgency, we hereby dismiss the Petition *in limine*, along with the other miscellaneous applications.

JUDGE

CHIEF JUSTICE

MUBASHIR