

ORDER SHEET**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR****Civil Misc. Appeal No. S-03 of 2023**

Date of hearing	Order with signature of Judge
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Applicant : Mst. Rubeena widow of Asadullah bycaste Abbassi through Mr. Imtiaz Ali Maitlo, Advocate.

Respondent: Province of Sindh and another.

Date of Hearing: 27.03.2023.

ORDER.

ZULIFQAR AHMAD KHAN. This Civil Misc. Appeal impugns order dated 24.12.2022 passed by learned IVth Additional District Judge Khairpur passed in Succession Petition No. 132/2022 where an application filed by the appellant under Section 372 of Succession Act, 1925 was dismissed to the extent of inclusion of minor Sultan Asad who was born about 42 days before the death of deceased Asadullah Abbassi on the ground that objections were filed by father as well as sister of the deceased alleging that the deceased died issueless and inclusion of his son (namely Sultan Asad) was only aimed to usurp service benefits of the deceased. It was also pointed out in the said order that the said objectors have also filed civil Suit No. 33/2022 seeking declaration and cancellation of documents which include the cancellation of birth certificate issued by Secretary Union council Ahmedpur Taluka Kingri, District Khairpur available at page 29 as well as NADRA certificate available at page 21 etc.

While counsel for appellant admits that appropriate process requires that the said civil suit should be decided which per learned counsel for appellant is lingering on without any fruitful purpose, but he additionally states that there is no dispute as to the fact that appellant being wife of the deceased Asadullah Abbassi, therefore, her pensionary

benefits as surviving widow, which are legal must be granted to her in the meanwhile.

In the circumstances, this **Civil Misc. Appeal is disposed of** with directions to the Court of Senior Civil Judge Kingri to decide the suit in question in accordance with law within shortest possible time, not more than four months, however, in the meanwhile if there are any benefit accrued in favour of the appellant (the surviving widow) since per counsel for the appellant the deceased Asadullah Abbassi was Statistical Officer in Bureau of Statistics (P&D) Department, Divisional Office Larkana, such benefits should be made available to her in accordance with law without any loss of time.

J U D G E

Irfan/PA

