

ORDER SHEET**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Civil Misc. Appeal No. S-09 of 2020

Date of hearing	Order with signature of Judge
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Hearing of case.

1. For hearing of CMA 1150/2020.
2. For hearing of main case.
3. MA 1079/2018 (stay)

03-03-2023.

Mr. Habib-ur-Rehman Shaikh, Advocate for appellant.

Mr. Ali Raza Balouch, Assistant Advocate General.

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Heard learned counsel for appellant as well as learned Assistant Advocate General Sindh.

Perusal of order in juxtaposition of pleadings reflects that trial Judge has erred while mentioning that legal heirs were concealed. Infact all legal heirs were disclosed in the body of the petition. Twice reports were called from NADRA and NADRA officials also verified legal heirs as mentioned in the petition. Needless to mention that any Muslim dies, legal heirs are entitled to receive the TARKA without any delay, here legal heirs are running from pillar to post since last three years. Under these circumstances when there is no dispute on legal heirs. Accordingly, impugned order is set aside and the instant civil Misc. Appeal is allowed as prayed, however, Nazir shall release the amount in favour of legal heirs without any delay, however, Nazir shall issue publication in all leading newspapers viz. Sindh and urdu having wide circulation in the area where parties reside. With regard to objection, if any and surety / surety bonds shall be received from legal

heirs, in case any objector comes trial Court shall be competent to pass appropriate order.

The instant Civil Misc. Appeal is disposed of in the above terms.

J U D G E

Irfan/PA

