

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.470 of 2024

Ali Abdullah Khan Behram and others
Versus
Mst. Afshan and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Present: -
Mr. Justice Muhammad Shafi Siddiqui, C.J &
Mr. Justice Jawad Akbar Sarwana.

Hearing case (Priority)

1. For hearing of CMA No.2837/2024 (U/S 5 Limitation)
2. For orders on office objection a/w reply as at "A".
3. For orders on CMA No.2838/2024 (Exemption).
4. For hearing of main case.
5. For hearing of CMA No.2839/2024 (Stay).

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Dated 09.12.2024

None present for appellants.

Mr. Shahzad Ahmed Siddiqui, Advocate for Respondent No.2.

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Muhammad Shafi Siddiqui, CJ.- A succession matter No.233/2020

was filed by the second wife of the deceased in respect of the deceased's properties listed therein, however, the impugned order in terms of its last para reflects that there was some residential quarter that was allegedly in the occupation of the first wife of the deceased (occupant/objector), which did not form part of the assets of the deceased. Earlier in time there was some injunctive order passed which compelled the objector/intervener to move two CMAs that is CMA No.1835 and 1836 of 2024. The two applications were then granted and the occupant/objector was directed to handover the vacant and peaceful possession of the quarter/flat within four weeks to police department.

2. The quarter/flat should not have formed part of the succession proceedings. If there was some issue with regard to residential quarter/ quarters, it should have been taken to its logical end in an independent proceeding, hence notwithstanding the fact that the

quarter or quarters should have been formed part of the proceedings, such orders otherwise are not required to be passed in these proceedings. To such an extent the impugned order is set aside. The appeal to such an extent is allowed.

CHIEF JUSTICE

JUDGE

Ayaz Gul