ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

CP NO.D-4497/2024

Date	Order with signature of Judge

- 1. For order on Misc. No.19948/2024
- 2. For order on Misc. No.19949/2024
- 3. For hearing of main case.

16.09.2024

Mr. Farhatullah Yaseen Kalwar advocate for petitioner.

1. Urgency granted.

2. Exemption is granted subject to all just legal exceptions.

3. Learned counsel for petitioner *inter alia* contends that NADRA/respondents are charging fees even in cases where succession certificate and/or letter of administration is/are decline by them whereas section 5(2)(h) of the NADRA Ordinance 2000 does not authorize them to charge fees in such cases but only in cases where some 'services' are provided by them; issuing Decline Certificate is no service.

Needless to mention that issuance of succession certificate and/or letter of administration, are sought by the legal heirs of a deceased; whatever is left by that deceased becomes his *Tarka* which according to *Shariah* law is to be distributed amongst the entitled legal heirs according to their defined shares. Prima facie fees of Rs.22,000/- is not justified, that amounts deduction from Tarka which only legal heirs can, thus present petition relates to the issue of public importance hence respondents shall assist this Court alongwith information as under:-

- 1. Whether respondents No.1 and 2 are entitled to receive fees while issuing letter of administration/succession certificate as per the value of the property left (tarka)?
- 2. Whether the State is competent to receive any fees with regard to issuance of letter of administration/succession certificate on inheritance as claimed by the legal heirs?
- 3. Whether even in cases where decline certificate is issued, such fees can be claimed by NADRA ?

Hence issue notice to the respondents, DAG as well A.G. Sindh for 26.09.2024. Meanwhile NADRA officials shall not charge any fee on letter of administration and succession certificate except formal fee as required on issuance of CNIC, FRC and other certificates.

JUDGE

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