

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

MA No.57 of 2020.

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Date:           Order with signature(s) of the Judge(s)  
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Hearing / Priority.

1. For Hearing of CMA No.5283/2020.
2. For Hearing of Main Case.

20<sup>th</sup> October, 2022.

Syed M. Abid Ali Qadri advocate for the appellant.

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Despite of publication Respondent is called absent, hence, service against her is held good.

Learned counsel for the appellant contends that appellant's son was martyred 19.09.2019 reported vide FIR No.278/2019. According to appellant his son contracted marriage with Sumbal Sultan though 'Rukhsati' was not effected but he is not disputing the legal proposition that Sumbal Sultan is widow of his son namely Syed Zeeshan Mian. With regard to compensation appellant preferred SMA that was allowed, however, learned trial Judge while relying upon the policy excluded father as legal heir on the plea that such compensation is not falling within the scope of 'Tarka'. Needless to mention that compensation is a right of giver and here in view of Sindh Shaheed Recognition and Compensation Act 2014, Section 2(d) of said act defines that:

***"In this Act, unless there is anything repugnant in the subject or context –***

***(a) .....***

***(b) .....***

***(c) .....***

***(d) "legal heirs" means the father, mother, son, daughter, sister, brother and wife;***

Perusal of above reflects that same include father and mother as well, whereas, mother is not alive.

Under these circumstances, instant MA is allowed and impugned order is set-aside. I.G.P Sindh and Home Secretary, Govt. of Sindh shall ensure that compensation of Shaheed is paid to the legal heirs including father, brothers and sisters within fifteen [15] days. Official Respondents shall complete all formalities calling family tree from the NADRA as well.

JUDGE