

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
MA No. 114 of 2022.

Date

Order with signature of Judge

1. For orders on non-prosecution of MA No. 7133 of 2022.
2. For hearing of main case.

18th October 2023

M/s. Ahmed Madni and Peer Ali Ali, advocates for appellants.
Syed Ali Hasan, AAG.



Appellant has challenged the order dated 08.10.2022 in SMA No. 1956 of 2020 passed by learned Additional District Judge-X, Karachi East whereby succession petition was dismissed on the plea that documents attached are unregistered. Counsel for the appellant contends that letter of probate is to be issued as there is a Will by Aslam Jan Masih in favour of his niece Mst. Maryam Bibi. He has referred case law reported as 1985 CLC 2202 and SMA No. 241 of 2017 decided by this Court on 18.10.2018 as well as PLD 1992 SC 385. Besides, he has emphasized over the mutation and record of KDA in favour of the deceased. Admittedly, Will is available on record and despite publication, none has come forward to raise objection. Accordingly, impugned order is set aside. Learned trial Court shall issue letter of probate in accordance with law. *Accordingly dispose of.*


JUDGE

SAJID