

**ORDER SHEET  
IN THE HIGH COURT OF SINDH  
CIRCUIT COURT MIRPURKHAS**

2<sup>nd</sup> Appeal No.S-10 of 2025

2<sup>nd</sup> Appeal No.S-11 of 2025

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For orders on M.A No.107/2025 (*in 2<sup>nd</sup> Appeal No.S-10/2025*)
3. For orders on M.A No.109/2025 (*in 2<sup>nd</sup> Appeal No.S-11/2025*)
4. For hearing of main case.

20.03.2025

Mr. Bashir Ahmed, advocate for attorney of appellants.

Mr. Rana Raheel Mehmood, advocate for respondent No.1 in *2<sup>nd</sup> Appeal No.S-10/2025*.

Mr. Ayaz Ali Rajpar, Assistant Advocate General Sindh.

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In pursuance of the order dated 06.03.2025 on the point framed thereon, I have heard counsel for the parties, and both the parties' counsel have agreed that NADRA officials have not stepped into the witness box on oath after filing their pleadings, being Defendants No.6 to 8 in F.C Suit No.40/2023. It is settled law that a party filing pleadings must come into the witness box on oath to prove his pleadings and must undergo the test of cross-examination as required under the Qanoon-e-Shahadat Order, 1984, as well as under doctrine of fair trial enshrined under Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973. Admittedly, the orders passed by the courts below have ignored the material evidence, and, in such a situation, Section 103 empowers this Court to look into the matter while sitting in second appeal. It may further be observed that both courts below have considered the pleadings of the NADRA officials, which are not proved or disproved, and such illegality comes within the

purview of second appeal. Consequently, the judgment and decree dated 20.01.2025 passed by the learned Additional District Judge-II, Sanghar, is set aside, and the matter is remanded back to the trial court to summon the Respondents No.6 to 8, being custodians of the record of naturalization, citizenship including old manual record and in their absence, it could not be proved that Mst. Wazeeran is the actual daughter of late Ali Sher and entitled to the inheritance as the biological daughter of late Ali Sher or otherwise.

Office to send a copy of this order to the Appellate Court as well as the trial court and Chairman, NADRA, Islamabad. In the meanwhile, Mukhtiarkar Sanghar and Assistant Commissioner Sanghar shall maintain the status quo in respect of the property in question. The trial court will decide the suit within 45 days hereof. Copy of this order be kept in connected 2<sup>nd</sup> Appeal No.S-11/2025.

**JUDGE**

*\*Faisal\**