

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**M.A No.97 of 2025**

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Order with signature of Judge(s)

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Fresh case

1. For orders on CMA No.5232/2025 (Exemption Application)
2. For hearing of main case

**01.09.2025**

Appellant Arbab Imtiaz Khan is present in person

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1. Exemption granted subject to all just exceptions.
2. Appellant appearing in person states that he is one of legal heirs of the Deceased Arbab Abdullah Khan S/o Arbab Nadar Khan. Appellant states that he alongwith other legal heirs had filed SMA No.394 of 2024 before the District Judge Karachi East. He submits that there is a property being House on a Plot on land bearing Survey No.485, Sr.8, Old Survey No.I-10/3, admeasuring 185 square yards, situated at Garden East, Karachi ("the Property"), which belonged to his late father and by virtue of which he alongwith the other legal heirs namely Taj Bibi (deceased), Ulfat Arbab, Daughter, Arbab Shaukatullah, Son, Mussarat Arbab, Daughter (deceased; through legal heir Nawab Ali, Husband), Arbab Khurram Khalil, Son (deceased; through legal heirs, Samina Khurram, Widow, Arbab Muhammad Omer, Son, Arbab Abdullah, Son, Fatima Arbab, Daughter, and Arbab Muhammad Ali, Son) and Talat Rauf, Daughter inherited the said Property, at the time of death of their father. He submits that through the Impugned Order, the learned Judge has accepted that the Property belonged to the Deceased, but the learned Trial Judge observed, as per a report called by him, that the said Property's lease had expired, and on this ground he refused to grant Letter of Administrations with regard to the said Property.

The Appellant submits that as the property was accepted as having belonged to the Deceased, automatically by virtue of law, and

therefore the same stood devolved to the legal heirs, with the same title, benefits and defects, if any. In this regard, he has also referred to the letter by Mukhtiarkar Jamshed Quarters dated 19.08.2024 (Page-39 of the file), as well as verification report submitted by NADRA (Page-33 of the file).

Having heard the Appellant as well as having gone through the documents, there appears no doubt that the Appellant alongwith other named legal heirs are indeed legal heirs of the Deceased Arbab Abdullah Khan. Furthermore, there is nothing showing to the contrary, in the Impugned Order or otherwise. Nor has the Impugned Order disputed initial title of the said Property being in the name of the Deceased. The only issue observed in the Impugned Order was that the lease renewal was not continued since the year 1995. The Appellant submits that until the property is transferred in the name of the legal heirs, the lease renewal cannot take effect.

I have found the Deceased passed away on 31.08.1974, at which time he was clearly owner of the said Property and at such time even the lease period was intact. It is accepted law that upon passing away of a person, succession opens and legal heir(s) automatically by virtue of law become owner(s). Therefore the legal heirs of Arbab Abdullah Khan would have had inheritory rights on the said property from 31.08.1974. Accordingly, I find that there is no impediment in granting the instant Appeal, which is hereby granted subject to proper legal process and verification. If there remain no legal impediment and the said Property as per record legally belonged to the Deceased, the same should be transferred to his legal heirs accordingly.

In the aforementioned terms the instant Appeal is allowed.

JUDGE