

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P No.S-269 of 2026

[Mst. Kinza and another vs. Province of Sindh and others]

Petitioners: By Mrs. Razia Ali Zaman Khan, Advocate

Respondents 5&6: By Agha Ghulam Abbas, Advocate

Official respondents: By Mr. Wali Muhammad Jamari, A.A.G
Sindh

Date of hearing 22.10.2026

Date of Decision 22.10.2026

ORDER

ADNAN-UL-KARIM MEMON J:- Petitioners have filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief(s):-

- a) That this Honorable Court may be pleased to issue strict directions to the official respondents i.e. SSP, Hyderabad to provide protection to the applicant thereby further directing the SHO,P.S Makki Shah and Incharge Women protection cell, to take the petitioner No.1, with themselves and take initiative for the safe arrival of petitioner No.1, in her parents' house, thereby further directing these official respondents to take statements from the each respondents, regarding no threats and maltreatment with the petitioner No.1.
- b) That the respondent No.2 i.e. SSP Hyderabad, be directed to visit fortnightly or monthly to see the safety of petitioner No.1 at the house of her parents.

2. The case of the Petitioners is that respondents 5 & 6, who are brothers of petitioners are attempting to unlawfully deprive the petitioners from their shares in the property of their parents. They allege that respondents 5 & 6 subjected the petitioner No.1 to maltreatment, threatened to kill her, forcibly ousted her from the house in March 2026, and pressured her to relinquish her inheritance rights; that the private respondents fraudulently removed their names from NADRA records and initiated proceedings to challenge petitioner No.1's birth certificate and CNIC; that despite applications to the SSP Hyderabad, SHO PS Makki Shah, Women Protection Cell, and an order of learned Ex-Officio Justice of Peace granting protection, the police failed to provide protection. Claiming a continuing threat to their life, liberty and inheritance rights, the petitioners seek directions for police protection, safe entry and residence of petitioner No.1 in her parental house, and regular monitoring by SSP Hyderabad.

3. Learned counsel for the petitioners contends that petitioner No.1 was ousted from her parental house by her real brothers/respondents No.5 and 6, following the death of their mother in 2025, and is presently residing with her brother-in-law. She alleges that the

private respondents are attempting to deprive the petitioners of their inheritance share, subjected petitioner No.1 to maltreatment and threats of murder, and forcibly took away her gold ornaments.

4. Learned counsel for private respondents contends that petitioner No.1 is the daughter of Mst. Saima and not the daughter of late Aziz Khan, as her birth certificate and CNIC allegedly contain incorrect parentage. He submits that petitioner No.1 resided with her maternal grandmother, Mst. Gulnar, following the dissolution of her parents' marriage, and that the relevant NADRA record and birth registration were cancelled pursuant to the order dated 18.09.2025 passed by learned 7th Additional Sessions Judge, Hyderabad, and subsequent action by the Union Council. He further submits that respondent No.5 has filed F.C. Suit No. 460/2026, which is pending adjudication, and that Mst. Saima, mother of petitioner No.1, admitted the respondents' stance in her written statement. According to the counsel, petitioner No. 1 has no blood relationship with late Aziz Khan so far as the claimed inheritance is concerned, and the petitioners, in collusion with petitioner No.2's husband, have procured forged documents to claim a share in the property. He therefore prays for dismissal of the petition.

5. The applicant/intervener, Mst. Saima, seeks impleadment as a necessary and proper party under Order I Rule 10 read with Section 151 CPC, asserting that she is the real mother of petitioner No.1 and sister of petitioner No.2. She alleges that the petitioners have concealed material facts and presented a false and fabricated version before this Court. She claims that her presence is necessary for proper adjudication of the dispute concerning the property left by the deceased father and prays that she be impleaded as respondent in the interest of justice.

6. In compliance with this Court's order dated 14.10.2026, NADRA, Hyderabad Zone, submitted its legal-heirs/family-record report dated 21.10.2026. According to the report, the CNIC record of Mst. Gulnar, mother of the parties, is marked as deceased in the NADRA database. The family-tree record of Mst. Kinza, registered as daughter of Aziz Khan, reflects the names of the listed family members and their recorded relationships, including brothers and sisters. The separate family record of Mst. Zubida also reflects her registered particulars, including her husband, Bashir Ahmed, and daughter. NADRA has stated that the persons mentioned in the reports are registered against the respective CNIC numbers and relationships appearing in its database.

7. The report *prima facie* reflects petitioner No.1, Mst. Kinza, as daughter of Aziz Khan in the existing record, whereas the private respondents dispute their parentage documents and state that a declaratory suit in this regard is pending before the competent Court.

8. Upon consideration of the submissions advanced by learned counsel for the parties, the available record and the report submitted by NADRA, it appears that the controversy

between the parties primarily concerns the parentage of petitioner No.1 and her claimed entitlement to inheritance in the property left by late Aziz Khan.

9. While the existing NADRA record reflects petitioner No.1 as daughter of Aziz Khan, the private respondents dispute the correctness of the relevant parentage documents, and a civil suit concerning the disputed record is stated to be pending before the competent Court. The NADRA report merely confirms the particulars and relationships recorded in its database and does not conclusively determine biological parentage or inheritance rights. These disputed questions of fact cannot appropriately be adjudicated in the constitutional jurisdiction under Article 199 of the Constitution, particularly when the matter is already pending before the competent civil Court.

10. Nevertheless, the dispute regarding parentage and inheritance does not absolve the official respondents of their statutory duty to protect the life, liberty and dignity of the petitioners. The allegations of threats, maltreatment and forcible ouster, if established, cannot be justified merely based on a dispute over the property or the petitioner's parentage.

11. Equally, the petitioners cannot, through the present proceedings, seek final determination of their disputed ownership or inheritance rights, or obtain an unconditional declaration of entitlement to the parental house, without adjudication by the competent forum. The protection of their person is, however, distinguishable from the determination of their proprietary rights.

12. In these circumstances, the ends of justice would be adequately served by disposing of the petition with protective directions, without expressing any opinion on the merits of the rival claims concerning parentage, the authenticity of the documents, or inheritance. Accordingly, SSPs of Hyderabad and Jamshoro are directed to ensure that the private respondents furnish bonds in the sum of Rs.1,000,000 each, undertaking not to threaten, harass, assault or otherwise harm the petitioners, or unlawfully interfere with their life, liberty and peaceful possession, if any, of the disputed property. The police shall take appropriate lawful action upon receipt of any complaint of breach of peace or threat, strictly in accordance with law. Any claim of possession or ownership and inheritance in the disputed house shall remain subject to the determination of the competent civil Court, however the petitioners shall not be prevented to concerning entry into the parental house and if any resistance comes the Deputy Commissioner concerned/SSPs of Hyderabad and Jamshoro shall take remedial measures in accordance with law till such dispute is resolved by the competent court of law on the subject issue.

13. The constitutional petition is disposed of accordingly, with all pending applications with no order as to costs.

JUDGE