

**IN THE SUPREME COURT OF PAKISTAN**  
*(Appellate Jurisdiction)*

**Present:**

Mr. Justice Sajjad Ali Shah  
Mr. Justice Munib Akhtar  
Mr. Justice Muhammad Ali Mazhar

**Civil Petition No.729-K of 2019**

Ali Bux.....Petitioner

Versus

Mst. Asghari & others.....Respondents

For Petitioner: Mr. Khadim Hussain Soomro, ASC  
Ms. Abida Parveen Channar, AOR

For Respondents: Mr. Farhad Ali Abro, ASC

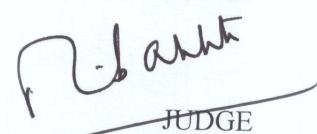
For Respondent No.8: In person

Date of hearing: 13.7.2022

**ORDER**

One Nizam died leaving behind 12.26 Acres of land and two sons and four daughters. It appears that the sons deprived the sisters from their share and got the entire property fraudulently mutated in their names. Rehmat, one of the sons, who became entitled to 06 Acres 13 Ghuntas of land, sold his entire holding to the petitioner and handed over the possession. When the sisters came to know, they filed a suit and consequently the 12 Acres and 26 Ghuntas of land was distributed amongst the two sons and four daughters of Nizam proportionately in accordance with their share and such findings were maintained up to the High Court. Learned counsel for the petitioner contends that after the partition in accordance with the shares devolved upon the legal heirs of Nizam, Rehmat, who has not only defrauded the petitioner, but his own sisters had become entitled to 02 Acres and 21 Ghuntas of land and the petitioner

would be satisfied if atleast they are granted the share of Rehmat, whereas counsel for the legal heirs of Rehmat submits that since the property has been repartitioned after preliminary decree ~~which~~ passed by the trial Court, therefore, they are willing to pay the price of the land to the petitioner. However, we are of the view that the order sought could only be passed if the petitioner as well as the legal heirs of Rehmat are present. Both the learned counsel state that they will procure the attendance of their respective clients on Friday i.e. 15.7.2022. To come up accordingly,

  
JUDGE  
JUDGE  
JUDGE

Karachi.

Dated: 13.7.2022

Zahid/\*

