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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Qazi Faez Isa
Mr. Justice Jamal Khan Mandokhail

Civil Petition No. 729-K of 2019

Ali Bux.

... *Petitioner*

Versus

Mst. Asghari and others.

... *Respondents*

For the Petitioner:

Mr. Khadim Hussain Soomro, ASC.
Mr. Mazhar Ali B. Chohan, AOR.

For Respondent Nos.1-7:

Nemo.

Respondent No. 8:

In-person.

Date of Hearing:

22.12.2021.

ORDER

The learned counsel representing the petitioner submits that the petitioner had purchased 6 acres and 4 *ghuntas* of agricultural land ('**the said land**') through a registered sale deed on 9 January 2006 from Rehmatullah who was shown in the revenue record as owner thereof but, subsequently, six sisters of Rehmatullah filed a suit alleging that their names were not mentioned in the revenue record despite being the legal heirs of Rasool Bux, their father, and that their two brothers were not the exclusive owner of their father's estate, and Rehmatullah could not have sold the said land; and that the registered sale deed be cancelled. The learned counsel submits that the petitioner restricts his claim to land as was inherited by Rehmatullah and that to such extent the sale should have been preserved. He further states that Rehmatullah had filed a conceding written statement in the petitioner's favour but which was disregarded.

2. Rehmatullah is stated to have passed away and his legal heirs are arrayed as respondent Nos. 7(i) to 7(viii). Rehmatullah's brother, namely, Abdul Sattar (respondent No. 8) is in attendance but does not represent the legal heirs of Rehmatullah.

3. Notice was issued to the respondents and the process server's report states that the widow of Rehmatullah, namely, Mst. Akhtari, has been

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served but neither she is in attendance nor has she authorized representation on her behalf, therefore, she is to be proceeded *ex-parte*. Respondent Nos. 7(ii) to (viii) could not be served. Abdul Sattar, respondent No. 8, is present and states that he will provide addresses of the said un-served respondents to the learned counsel for the petitioner during the course of the day and learned counsel will file such address. Office is directed to repeat **notice** to the un-served respondents.

J.

A J
J.

Bench-I
Karachi:
22.12.2021
(M. Tauseef)

