

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

**PRESENT:**

Mr. Justice Sardar Tariq Masood  
Mr. Justice Mazhar Alam Khan Miankhel

**Civil Petition No.1841 of 2025**

[Against the judgment dated 28.02.2025, passed by the Lahore High Court,  
Lahore in Civil Revision No.65590 of 2017]

Muhammad Yaqoob (deceased) through legal heirs and others. ...Petitioner(s)  
Versus  
Saeeda Bibi (deceased) through legal heirs and others. ...Respondent(s)

For the Petitioner(s) : Sheikh Sakhawat Ali, ASC  
(via video link from Lahore)  
Syed Rifaqat Hussain Shah, AOR  
For the Respondent(s) : N.R.  
Date of Hearing : 02.06.2025

**ORDER**

**Mazhar Alam Khan Miankhel, J:-** The petitioners being legal heirs of Defendant No.10 have impugned the judgment dated 28.02.2025 of the Lahore High Court, Lahore (**the High Court**), whereby the civil revision of the petitioners against the concurrent findings of decretal of the suit of Mst.Saeeda Bibi (Respondent No.1) was dismissed.

2. We have heard the learned counsel for the petitioners and have also gone through the available record.

3. The record of the case would reveal that Respondent No.1 (now deceased, through her legal heirs) being daughter of Siraj Din had filed a suit for declaration claiming therein her

legal/sharai share from the legacy of her father. The inheritance mutation of Siraj Din bearing No.1896 dated 17.06.1947 (Exh.P-5) available on the file itself would show that attempts were made to grab the property of Siraj Din even by Haji (his brother, father of Defendants No.2-9 and 2<sup>nd</sup> husband of Defendant No.1 (now deceased) and ultimately it was attested in the name of his widow Mst. Bhagan Bibi (the deceased Defendant No.1). The Defendants No.1-9 except Defendant No.4 (**the defendants**) contested the suit by filing their written statement whereas Defendant No.4, who filed his separate written statement. The Defendants denied the stance of Respondent No.1 by alleging that Siraj Din (the father of Respondent No.1) died issueless and as such Respondent No.1 was not his daughter and not entitled to inherit from the legacy of Siraj Din. The Defendant No.4 (who is the brother of the Defendants) through his written statement not only admitted that the Respondent No.1 was the daughter of Siraj Din, his real uncle, and has also admitted that she was the step sister of the Defendants and daughter of Mst. Bhagan Bibi, the Defendant No.1 and this very written statement fully supports the stance of Respondent No.1 and thereby the Respondent No.4 depicted and portrayed the actual story of the true facts and for no apparent benefit through such conceding statement, despite the fact that he had the same legal and sharai status as the other Defendants had. He also appeared as PW-3 and reiterated his stance by facing the test of cross-examination. Despite long and searching cross-examination his stance was not shattered. The Defendants also failed to put forth any specific stance *qua* the status of Respondent No.1. Mere



denial of her status by them would not absolve them from their responsibility and the stance of the Respondent No.1 cannot be falsified by simple denial of the Defendants. In support of their specific stance, there should have been a strong and worth reliance evidence. The evidence so led by them is not only oral one but also short of such requirements and is not sufficient/enough to rebut the documentary evidence led by the Respondent No.1.

4. The legal and sharai status of the plaintiff (Respondent No.1) and the Defendants (the Respondents No.2-9) is established on the record and all the three Courts have concurrently accepted the claim of Respondent No.1. It is important to mention here that the Respondents No.2-9, who are the main contestants of the case, have not challenged the decree of the trial Court in favour of Respondent No.1 by way of an appeal or civil revision. This alone further strengthens the case of Respondent No.1. After dismissal of appeal and then civil revision, the decree of the trial Court merged into the decree of the High Court. It was the Defendant No.10 and then his legal heirs, who have challenged the decree of the trial Court by way of an appeal before the District Judge and then civil revision before the High Court but were unable to get any relief. Now they are before this Court through the instant civil petition.

5. The Defendant No.10 (the predecessor of the petitioners) *vide* Mutation No.3961 dated 09.07.2009 (Exh.P-6) purchased the share of Mst. Bhagan Bibi (the property inherited by her as widow of Siraj Din). This was the property of Mst. Bhagan Bibi received by her from the inheritance of her deceased husband namely, Siraj Din as limited owner. Her status as limited

owner was terminated under Section 3 of the West Pakistan Muslim Personal Law (Shariat) Application Act, 1962 **(the Act of 1962)**.

After termination of her status as limited owner, the property occupied by her would be considered as the property of last male owner and in this case last male owner was her late husband Siraj Din and according to the Act of 1962, the property has to be reverted back to his legal heirs. The record would establish the fact that the plaintiff as daughter, Defendant No.1 as widow and remaining to Haji as brother (as Siraj Din had no male issue) are entitled to inherit the legacy of Siraj Din and this very status of the parties as declared by the three Courts has attained finality. The same has not been questioned by the actual parties i.e., the Defendants (Respondents No.2-9). The predecessor of the petitioners, the Defendant No.10, legally stepped into the shoes of the Defendant No.1 (now deceased) as he purchased the property from her *vide* Ex.P-6 and can ask only for the share of Mst. Bhagan Bibi received by her after promulgation of the Act of 1962 and the rest would go to the other legal heirs of Siraj Din as noted above. So, the sale made by Mst. Bhagan Bibi, the Defendant No.1 *vide* Exh.P-6 will only be effective to the extent of her own share as discussed above and that will be invalid, void and will be ineffective to the extent of rights of plaintiff (Respondent No.1) and Haji, predecessor of Respondents No.2-9. This would not be out of context to mention here that the plaintiff (Respondent No.1) cannot claim legacy of her mother (in the property left by her father) as she sold away her share in her lifetime to the predecessor of the



petitioners, the Defendant No.10. As far as the transfer of property by way of an exchange Mutation No.2787 dated 26.04.2004 (Exh.P-8) in favour of Defendant No.11 (Respondent No.10) Muhammad Ashiq (deceased) is concerned that was only to the extent of 15/1647 shares, an area of 3 Kanal and 0 Marla only, so the remaining property if any, in the name of Mst. Bhagan Bibi as widow of Haji (if not further transferred in her lifetime) would be heritable by the plaintiff (Respondent No.1) being her daughter to the extent of her legal/sharai share along with her other legal heirs, Respondents No.3-9. This can be clarified from the record and is necessary for substantial justice.

6. Since the actual defendants (Respondents No.3-9) have accepted the decrees in favour of plaintiff (Respondent No.1) and the status of Defendant No.10 (predecessor of the petitioners) is simply that of a purchaser who legally cannot challenge/question the legal and sharai status of Respondent No.1 or the other respondents. He, (the petitioners) for that matter, has no *locus standi* and cause of action to challenge the same. He, (the petitioners) at the most, can ask the Defendants No.2-9 (Respondents No.3-9) as they are the legal heirs of Mst. Bhagan Bibi for redressal of their grievance if any. This petition, his appeal before the District Court and civil revision before the High Court were not maintainable even on this score alone.

7. The concurrent findings of facts recorded by three Courts cannot be questioned in absence of any misreading or non-reading of material evidence or any other material irregularity or

illegality. No other legal point, within the *locus standi* of the petitioners affecting the merits of this case was raised or argued.

8. We have gone through the impugned judgment, which is based on proper appreciation of evidence and require no interference by this Court. Hence, this petition being meritless is dismissed as such and leave refused.

Islamabad  
02.06.2025  
APPROVED FOR REPORTING  
Rabbani\*/