

Case Description



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~~Courtwise Search~~ ~~the contrary, is not correct and is liable to be set aside. In this view of the matter we are also not in a position to deal with the merits of the validity or invalidity of the impugned provision.~~ ~~Search~~ our jurisdiction-is equally limited to the extent authorised by Article 203-B of the Constitution which lays down that such types of laws are not to be scrutinized there under. Holding ~~Advocate Search~~ accept this appeal and without expressing any opinion on the merits of the case or the law challenged herein, set aside the order of the High Court as being without jurisdiction, leaving the parties to bear their own costs."

Search in Statute -- Succession Act 1925-384



In the above report the Honorable Supreme Court declined to examine the Ordinance VII of 1961 in view of the provisions of Article 203-B of the Constitution.

It is pertinent to note that under Chapter 3-A of the Constitution Federal Shariat Court was established with powers to examine whether or not, any law or provision of law, is repugnant to the Injunctions of Islam as laid down in the Holy Qur'an and Sunnah of the Holy Prophet. But a Constitutional protection/safeguard was provided to Muslim Personal Law and it was kept outside the jurisdiction of Federal Shariat Court for the purpose of scrutiny as it is indicative from the definition Succession Act 1925-384 Article 203-B(c). As such the Hon'ble Shariat Bench of the Supreme Court in the case of Federation of Pakistan held that section 4 of the Muslim Family Laws Ordinance, 1961 is immune from the scrutiny by the High Court as well as the Supreme Court itself. Although later on, Your Search returned total 27 records from 0 - 27

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Citation Name: 2023 PLD 248 KARACHI-HIGH-COURT-SINDH
Heirs v. Mst. Rehmatan and others 1994 SCMR 681 has held that the Federal Shariat Court is Motor RAILWAYS & DISTRICT AND SESSIONS JUDGES EAST KARACHI
to determine whether a particular provision of law is repugnant to the injunctions of Islam or not. With utmost respect and greater sense of humility I venture to say that the authoritative previous judgment of PLD Ss. 383 & 384--Constitution of Pakistan, Art. 199--Constitutional petition--Revocation of Succession certificate--1981 SC 120 referred to hereinabove was not brought/placed before the Hon'ble Bench of the Forum--Dispute was with regard to revocation of succession certificate already issued. Validity--Recourse under S. 383 of Succession Act, 1925, was independent of an appeal which could otherwise be filed under S. 384 of Succession Act, 1925, against the grant or refusal of a certificate--Application for revocation would lie to the Court that made the grant and in the event such application was accepted and certificate was revoked, appeal would then also lie to High Court--High Court declined to interfere in the matter--Constitutional petition was dismissed, in circumstances.

Head Notes

Case Description

Bookmark this Case

Citation Name: 2022 PLC(CS) 535 QUETTA-HIGH-COURT-BALOCHISTAN

HATIM AMEER BALOCH VS SHAHBANA KHUDA BAKHSH

R.4(10)(a)--Succession Act (XXXIX of 1925), Ss.372 & 384--Succession of pension--Entitlement--Widow of deceased civil servant sought her succession to pension which was allowed by Trial Court but claim of son was denied--Validity--Widow was dependent on her deceased husband who was a government servant and she was entitled for pension amount--High Court declined to interfere in the order passed by Trial Court as there was no illegality or irregularity committed by the Court--Appeal was dismissed, in circumstances.

[Head Notes](#)[Case Description](#)

Case Description

Citation Name: 2022 PLD 527 KARACHI-HIGH-COURT-SINDH

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ABDUL KADER VS SULEMAN

[Bookmark this Case](#) 

Ss. 278, 299 & 384---Civil Procedure Code (V of 1908); O. VII, R. 10---Letter of administration---Pecuniary jurisdiction---Return of application---Scope---Appellants assailed order passed by District Judge whereby applications filed provision were rejected as jurisdiction is equally limited to the forties authorised by Article 203-B of the Constitution---Validity of Article 203-B held that if separate applications are not filed application before the Trial Court holding property was not the competent matter of any of the applications as the appellants had sought the Letters of Administration only in respect of the share left by each of the deceased---Every deceased having a separate and distinct share in the subject property, falling within the pecuniary jurisdiction of the Trial Court, each of their respective parties to bear their own costs.

In the above report the Honorable Supreme Court declined to examine the Ordinance VIII of 1961 in view of the provisions of Article 203-B of the Constitution. Impugned orders were set aside and the applications were remanded to the Trial Court with the direction to decide the objections filed therein by all the objectors.

It is pertinent to note that under Chapter 3-A of the Constitution Federal Shariat Court was established with powers to examine whether or not, any law or provision of law, is repugnant to the Injunctions of Islam as laid down in the Holy Qur'an and Sunnah of the Holy Prophet. But a Constitutional protection/safeguard was provided to Muslim Personal Law and it was kept outside the jurisdiction of Federal Shariat Court for the purpose of scrutiny as it is indicative from the definition

Citation Name: 2021 CLC 1807 QUETTA-HIGH-COURT-BALOCHISTAN [Bookmark this Case](#) 

SHAHANUDDIN ABAKASH VS MARYAM ADEERA such the Hon'ble Shariat Bench of the Supreme Court in the case of Federation of Pakistan held that section 4 of the Muslim Family Laws Ordinance 1961 is immune from the scrutiny by the High Court as well as the Supreme Court itself. Although later on Honourable Supreme Court while refusing leave to appeal in the case of Muhammad Ali v. Legal Heirs issued Succession certificate under 1941 SCA No 68 held that the Federal Shariat Commission certificate was filed under S.373 of Succession Act 1925 and such proceedings before Trial Court were summary in nature. Intricate questions could not be resolved in such proceedings. Questions of title to property was to be left to be decided in suit before Court of plenary jurisdiction. High Court declined to interfere in Certificate issued by Trial Court 1981 SC 120 referred to hereinabove was not brought/placed before the Hon'ble Bench of the Court. Appeal was dismissed, in circumstances.

[Head Notes](#)[Case Description](#)

Citation Name: 2021 CLC 1498 KARACHI-HIGH-COURT-SINDH

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NATIONAL INVESTMENT TRUST LIMITED (NITL) VS MRS. SADAQAT-E-NISAR

Ss.372&384---Succession certificate---Non-compliance---Bank account---Instructions of account holder---Deceased had invested amount in NIT/CIP (National Investment Trust/Cumulative Investment Plan) Units and authorities did not pay complete amount on the plea that the same was not re-invested after death of account holder---Validity---Authorities instead of honouring their commitment as per terms and conditions applicable at the time of purchase of NIT/CIP Units and option availed by deceased regarding Cumulative Investment Plan (CIP), had attempted to create a dispute either with mala fide intention or to wriggle out from a default on their part, where by they have violated their legal obligation to reinvest yearly dividend as per Cumulative Investment Plan (CIP) option till its realization---After death of NIT/CIP Unit Holder, the terms and conditions applicable to such units could not be changed unilaterally by any authority as they are also not in a position to deal with the merits of the validity or invalidity of the impugned provision, as our jurisdiction is equally limited to the extent authorised by Article 203-B of the Constitution which lays down that such types of laws are not to be scrutinized there under. Holding accordingly we accept this appeal and without expressing any opinion on the merits of the case or the jurisdictional order passed by the Single Judge of the High Court this being a non-jurisdictional matter, leave granted to legal counsel before the Court Appeals was dismissed in circumstances.

[Head Notes](#) [Case Description](#)

In the above report the Honorable Supreme Court declined to examine the Ordinance VIII of 1961, in view of the provisions of Article 203-B of the Constitution.

Citation Name: 2020 CLC 1053 QUETTA-HIGH-COURT-BALOCISTAN

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It is pertinent to note that under Chapter 3-A of the Constitution Federal Shariat Court was established with powers to examine whether or not, any law or provision of law, is repugnant to the Injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet. But a Constitutional validity Order passed under S.383 of Succession Act, 1925 by Law Minister was filed before High Court against orders passed by Trial Court under provisions of Succession Act, 1925 and District Judge of Abbottabad. Appeals were filed before High Court against judgment and order passed by Trial Court under provisions of Succession Act, 1925 lay before District Judge. High Court directed appeals filed by appellant to be returned to appellant to file before the District Judge---Order accordingly.

[Head Notes](#) [Case Description](#)
Honourable Supreme Court while refusing leave to appeal in the case of Muhammad through Legal Heirs v. Mst. Rehmatan and others 1994 SCMR 681 has held that the Federal Shariat Court is competent to examine whether section 4 is contrary to the Injunctions of Islam or not. With utmost

Citation Name: 2020 PLD 563 KARACHI-HIGH-COURT-SINDH

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1981 SC 120 referred to hereinabove was not brought/placed before the Hon'ble Bench of the IDARA-E-NOQR-E-HAQ VS PUBLIC-AT-LARGE

Ss. 272, 269, 299, 300 & 384---Appeal---Probate, grant of---Ownerless property---Application for grant of probate under S.272 Succession Act, 1925, was filed by appellant but Trial Court dismissed the application---Validity---Once it was found that none was available to claim ownership of immovable property in question in his own right or by way of inheritance, such property should be treated as an ownerless property---Once Court was satisfied that the property was rendered ownerless, it was the duty of Court to protect it from being misappropriated or wasted or damaged---Court could appoint Curator under S.195 of Succession Act, 1925, to takeover possession of the property pending final determination of fate of proceedings---Court could have also taken prompt action under S.269 of Succession Act, 1925, for protection of such property---Jurisdiction of High Court under S.300 of Succession Act, 1925, was concurrent with District Judge in exercise of power under Succession Act, 1925---High Court appointed its official as a Curator to protect the property in question and directed him to take over the possession immediately---High Court declined to interfere in the order passed by Trial Court---Appeal was dismissed in circumstances.

[Head Notes](#) [Case Description](#)

Citation Name: 2018 PLD 325 KARACHI-HIGH-COURT-SINDH

[Bookmark this Case](#)

Mst. AMINA KHATOON VS Mst. NIGHAT JABEEN

Case Description

Ss. 370, 372 & 384---Stepbrother of deceased, entitlement of---Appellant sought succession certificate for assets left by her deceased husband---Grievance of appellant was that stepbrother of her deceased husband could not be arrayed in list of legal heirs under Hanafi law of inheritance---Validity---According to Hanafi law, in the first instance, property of deceased was to go to sharers and if estate was not exhausted by sharers, it was to go to residuaries and if there was no sharer and/or residuary, property was to be distributed among distant kindred---Heirs nearer in degree excluded more remote---Stepbrother of deceased was neither a sharer nor a residuary and he had no right to inherit from estate notwithstanding position he held with the impugned of the validity or the extent of the impugned of opposition of deceased in his capacity as heir as he was not authorised by Article 203-B of the Constitution which lays down that such types of laws are not to be scrutinized there under. Holding Head Notes Case Description accordingly, we accept this appeal and without expressing any opinion on the merits of the case or the law challenged herein, set aside the order of the High Court as being without jurisdiction, leaving the parties to bear their own costs."

Citation Name: 2017 YLR 150 PESHAWAR-HIGH-COURT

Bookmark this Case

LIAQAT ZAMAN KHAN VS Mst. TAJEEN SAKHTAR Court declined to examine the Ordinance VIII of 1961, in view of the provisions of Article 203-B of the Constitution.

Determination--Term , Presumption--TERM , Procedure--TERM , Requirement--Term , Revocability--Term , Succession Act 1925--373 , Succession Act 1925--384 , Succession Act 1925--387 ,

It is pertinent to note that under Chapter 3-A of the Constitution Federal Shariat Court was established with powers to examine whether or not, any law or provision of law, is repugnant to the Injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet. But a Succession certificate---Revocability---Proof of divorce of wife of deceased---Requirement---Status of widow---Determination---Presumption---Application for issuance of succession certificate by Widow of deceased---Jurisdiction of Federal Shariat Court for the purpose of scrutiny as it is indicative from the definition and scope of law under Article 203-B (a) as such the Hon'ble Shariat Bench of the Supreme Court in the case of Federation of Pakistan vs. Heirs of Muhammad Iqbal and others 1996 SCMR 1096 held that the Federal Shariat Court can issue succession certificate in favour of applicant (widow) and respondents on the ground that court under S. 373(3) of Succession Act 1925 could proceed with succession application even while leaving aside issues relating to intricate questions of fact and law to be resolved by competent court and taking into account the obvious factual position---Contention raised by respondents was that succession certificate could not be issued during pendency of civil suit and without resolution of question as to divorce of applicant---Validity---Safeguard was provided to rightful claimant and liability of holder of succession certificate to rightful claimant under S. 387 of Succession Act, 1925---Honourable Supreme Court while refusing leave to appeal in the case of Muhammad Iqbal v. Heirs of Muhammad Iqbal and others 1994 SCMR 681 has held that the Federal Shariat Court is competent to examine whether section 4 is contrary to the Injunctions of Islam or not. With utmost respect and greater sense of humility I venture to say that the authoritative previous judgment of PLD 1988 SC 120 referred to hereinabove was not brought up before the Hon'ble Bench of the Trial Court. Clearly it is evident that applicant's suit was not considered by law of record before the Hon'ble Bench of the alleged divorce was established by decree of civil court and that in case in the suit the applicant was declared as divorcee of the deceased, she would be bound to return share she would collect from the legacy---Law allowed Court to grant certificate to applicant who appeared to be a person having prima facie the best title thereto, notwithstanding a rival claim appearing intricate and difficult to determine in summary proceedings---Nothing was wrong with impugned order of Trial Court after Nikkah was proved and the divorce could not be proved from record by respondents in summary proceedings for issuance of succession certificate---Appeal was dismissed in circumstances. (b) Succession Act (XXXIX of 1925)---

Head Notes

Case Description

Citation Name: 2015 CLC 1719 QUETTA-HIGH-COURT-BALOCHISTAN

Bookmark this Case

Mst. AISHA VS Mst. MAH GUL

PLD 1991 SC 731,

Succession Act 1925--381 , Succession Act 1925--384 , Succession Certificate--TERM ,

Ss.381 & 384---Succession certificate---Object, scope and purpose---Logic behind S.381 of Succession Act, 1925, is to enable a person to recover debts on estate of a deceased but the certificate issued for the purpose neither declares rights of persons interested, nor determine their shares in recoverable debt---Issuance of certificate is with sole purpose to protect party paying debt to holder of certificate---Duty is imposed on holder of certificate to disburse amount realized under certificate among persons entitled, in accordance with their respective rights---Certificate issued under Succession Act, 1925, does not confer any title upon a person but only enables him to recover debts.

Court, holding to the contrary, is not correct and is liable to be set aside. In this view of the matter we

are also not in a position to deal with the merits of the validity or invalidity of the impugned provision, as our jurisdiction is equally limited to the extent authorised by Article 203-B of the Constitution which lays down that such types of laws are not to be scrutinized there under. Holding

Citation Name: 2015 PLD 132 QUETTA-HIGH-COURT-BALOCHISTAN [Bookmark this Case](#)

law challenged herein, set aside the order of the High Court as being without jurisdiction, leaving the parties to bear their own costs."

PLD 1991 SC 731,

In the above report the Honorable Supreme Court declined to examine the Ordinance VIII of 1961, in Succession Act 1925-381, Succession Act 1925-384, Succession Certificate--TERM, view of the provisions of Article 203-B of the Constitution.

Ss. 381 & 384---Succession certificate---Determining right in legacy---Trial Court, jurisdiction of---Appellants were mother, brother and sister of deceased who claimed their shares in the outstanding dues with government department---Trial Court issued succession certificate to widow of deceased for collection of dues of deceased from established with powers to examine whether or not, any law or provision of law, is repugnant to the government department, where he was employed---Validity---Issuance of certificate did not place bar on the right of appellants (legal heirs) to establish their title and entitlement in debts by a suit before a Court of competent Constitutional protection/safeguard was provided to Muslim Personal Law and it was kept outside the jurisdiction---Issuance of certificate also did not confer any title to holder of certificate, rather certificate was issued with the sole purpose to recover dues from concerned Department. Person aggrieved could press his right through a suit under Article 203-B of the Constitution. As such the Federal Shariat Court of the Supreme basic court---Trial Court of Federation case without discussing section 4 of the Muslim Family Law Ordinance of 1961 and entitlement of parties before it, ordered to exclude claim of appellants (legal heirs) decided that widow was solely and lonely entitled to receive and encash dues of her late husband and appellants (legal heirs) did not deserve to Honourable Supreme Court while refusing leave to appeal in the case of Muhammad through Legal Heirs v. Mst. Rehmatan and others 1994 SCMR 681 has held that the Federal Shariat Court is recording findings and the same could not hold the field---High Court modified the order passed by Trial Court---Appeal was allowed accordingly.

respect and greater sense of humility I venture to say that the authoritative previous judgment of PLD

1982 Notes 20 [Case Description](#) mentioned above was not brought/placed before the Hon'ble Bench of the

Citation Name: 2015 PLD 132 QUETTA-HIGH-COURT-BALOCHISTAN

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HIFEEDA VS GENERAL PUBLIC

Interpretation and determination--Term , Jurisdiction of court--Term , Succession Act 1925-372 , Succession Act 1925-384 , Succession Act 1925-5 ,

Ss. 5(2), 372 & 384---Application for succession certificate---Appeal under S.384 of Succession Act, 1925 against dismissal of application for certificate---Jurisdiction of court---"Domicile"---Interpretation and determination---

Case Description
Deceased was temporarily residing out of country and claimed amount lying there---Competent forum---Application for issuance of succession certificate, was dismissed for lack of jurisdiction on ground that predecessor was domiciled of a foreign country and amount claimed was lying abroad---Applicants contended that their predecessor was permanent resident to Pakistan and had gone abroad to earn livelihood where he wa**Bookmark this Case**

Validity---Applicants and their predecessor were permanent residents of Pakistan---Correct criteria for issuance of succession certificate was domicile of the deceased at time of his death---Nothing was available on record that could are also not in a position to deal with the merits of the validity or invalidity of the impugned show that the deceased had intended to abandon Pakistan for ever---Trial court while dismissing application filed provision as our jurisdiction is equally limited to the extent authorised by Article 203-B of the under S.372 of Succession Act, 1925, had erred in facts and law while interpreting the word "domicile"---Word 'Constitution which lays down that such types of laws are not to be scrutinized there under. Holding accordingly we accept this appeal and without expressing any opinion on the merits of the case or the application being decided in accordance with the rule of law, hold that the trial court has no jurisdiction, leaving the parties to bear their own costs."

Head Notes Case Description

In the above report the Honorable Supreme Court declined to examine the Ordinance VIII of 1961, in

Citation Name: 2014 PLD 290 KARACHI-HIGH-COURT-SINDH

Bookmark this Case

MLIHAMAT NASEEM AHMAD VS MUSLIM SHARIAT COURT of the Constitution Federal Shariat Court was established with powers to examine whether or not, any law or provision of law, is repugnant to the Succession Act 1925-192, Succession Act 1925-372, Succession Act 1925-384, Injunctions of Islam as laid down in the Holy Qur'an and Sunnah of the Holy Prophet. But a Ss. 192, 372 & 384---Central Employees Benevolent Fund and Group Insurance Act (II of 1969) S.2(5)---Properties Constitutional protection safeguard was provided to Muslim Personal Law and it was kept outside the forming part of deceased's "Tarka" ---"Family", scope of---Recovery of final "service dues" ---Benevolent fund and Jurisdiction of Federal Shariat Court for the purpose of scrutiny as it is indicative from the definition group insurance---Widow of deceased filed application for issuance of succession certificate in her favour in respect of the word "law" under Article 203-B(C). As such the Hon'ble Shariat Bench of the Supreme Court in the case of Federation of Pakistan held that section 4 of the Muslim Family Laws Ordinance, 1961 is all legal heirs of the deceased in her application, as the deceased was survived by a wife and daughters, therefore, his brothers and sisters were also legal heirs. Validity amounts claimed by the wife in the Succession Application were held to be illegal and unconstitutional as they did not come within the ambit of Muslim Personal Law and through Legal Heir of the deceased, therefore, the section 4 SCMR 68 is liable to be held illegal. Federal Shariat Court in question was therefore not inheritable by all his legal heirs, and was to be paid to the family of the deceased for their sustenance and maintenance---Case of the appellant was not that either he or any brothers/sisters of the deceased were residing with the deceased or were wholly dependent on him, therefore, they did not come within the ambit of 1981 SC 120 referred to hereinabove was not brought/placed before the Hon'ble Bench of the definition of "family" given under S.2(5) of the Central Employees Benevolent Fund and Group Insurance Act, 1969---Appeal was dismissed, in circumstances.

Head Notes Case Description

Citation Name: 2012 CLC 1776 LAHORE-HIGH-COURT-LAHORE

Bookmark this Case

NASIM BEGUM VS FARAH ABSAR

Maintainability--TERM , Revision--TERM , Succession Act 1925--383 , Succession Act 1925--384 , Succession Certificate--TERM ,

Ss. 384 & 383--- Succession certificate--- Revision---Maintainability---Application of the respondent-Bank for amendment in its written reply in relation to the Bank Account of the deceased was allowed by the Trial Court---Said order of Trial Court was assailed by the petitioners---Contention of the respondent Bank was that revision against said order was not maintainable---Validity---Proceedings under the Succession Act, 1925, even if carried out by Civil Court, were always deemed to be proceedings before the District Judge---Right of appeal was available under section 384(1) of the Succession Act, 1925 in cases of granting , refusing or revoking of a ~~Bookmarked this Case~~ provision of section 383(3) the High Court was provided the right to entertain revision from an order of District Judge in cases other than the ones mentioned in section 384(1), Succession Act, 1925---Revision was therefore, competent and are also not in a position to deal with the merits of the validity or invalidity of the impugned

Head Notes **Case Description** provision as our jurisdiction is equally limited to the extent authorised by Article 203-B of the Constitution which lays down that such types of laws are not to be scrutinized there under. Holding accordingly, we accept this appeal and without expressing any opinion on the merits of the case or the **Citation Name:** 2011 PWD 108 KARACHI-HIGH-COURT-SINDH Court as being without jurisdiction, let the parties to bear their own costs."

Mst. UZMA REHMAN VS PUBLIC-AT-LARGE

Jurisdiction TERM Succession Act 1925-371 Supreme Court Act 1925-384 examine the Ordinance VIII of 1961, in view of the provisions of Article 203-B of the Constitution
 Ss. 371 & 384---Grant of Letter of Administration---Jurisdiction---Scope---Deceased husband of applicant who was residing at place, K had left movable and immovable properties at K as well as at place K---Earlier, a succession certificate was granted on application made at Chapter 3A of the Constitution to grant Letter of Administration for immovable property left by the deceased at place K---However, application for grant of Letter of Administration for movable property left by the deceased at place K was dismissed on ground that property in question was situated at place L and applicant should approach the court having jurisdiction under S.371 of Succession Act 1925---Injunctions of Islam as laid down in the Holy Qur'an and Sunnah of the Holy Prophet. But a jurisdiction lay with the court where the deceased ordinarily resided. In the present case succession certificate had already been granted by the court at place K which established that the deceased resided at place K at the time of his death---No justification was available for the court at place K to dismiss the application for grant of Letter of the word "Law" under Article 203-B(c). As such the Hon'ble Shariat Bench of the Supreme Court in Administration in respect of the property left by the deceased at place L---Impugned order was set aside and court the case of Federation of Pakistan held that section 4 of the Muslim Family Laws Ordinance, 1961 is was directed to proceed, with the matter accordingly.

immune from the scrutiny by the High Court as well as the Supreme Court itself. Although later on, **Head Notes** **Case Description** while refusing leave to appeal in the case of Muhammad through Legal Heirs v. Mst. Rehmatan and others 1994 SCMR 681 has held that the Federal Shariat Court is competent to examine whether section 4 is contrary to the Injunctions of Islam or not. With utmost **Citation Name:** 2010 MLD 1433 KARACHI-HIGH-COURT-SINDH respect and greater sense of humility I venture to say that the authoritative previous judgment of FSC

1981 SC 120 referred to hereinabove was not brought/placed before the Hon'ble Bench of the **Bookmark this Case**

MUHAMMAD SOHAIB SIDDIQUI VS Mst. PARVEEN alias MUNNI 1985 MLD 1559, 1990 CLC 366, 1999 MLD 1481,

Succession Act 1925-278 , Succession Act 1925-299 , Succession Act 1925-372 , Succession Act 1925-384 , West Pakistan Civil Courts Ordinance 1962--9 ,

Ss. 278, 299, 372 & 384---West Pakistan Civil Courts Ordinance (II of 1962), S.9---Succession certificate and Letter of Administration--Consolidation of proceedings--Pecuniary jurisdiction---Two separate proceedings were initiated one for grant of succession certificate and the other for Letters of Administration in respect of immovable property---Both the proceedings were consolidated and by adding up the value of immovable property, rash and saving certificates, the Trial Court concluded that the pecuniary jurisdiction of two subject-matters had exceeded its pecuniary jurisdiction and the same was returned for presentation in High Court---Validity [Bookmark this Case](#)
 was meant for movable property i.e. debts and securities and Letters of Administration for immovable property---Court, holding to the contrary, is not correct and is liable to be set aside. In this view of the matter we Succession of immovable property was regulated by Law of country in which person had his domicile at the time of his death and succession of immovable property in Pakistan of a person deceased was regulated by Law of Pakistan provision, as our jurisdiction is equally limited to the extent authorised by Article 203-B of the Constitution which lays down that such types of laws are not to be scrutinized there under. Holding Letter of Administration were not only governed by separate sections but under separate Chapters under Succession Act, 1925 Petition for Letters of Administration under S.278 of Succession Act, could be made for administration of assets belonging to deceased if the High Court as being petitioner's jurisdiction, as Succession Certificate which was granted to petitioner under S.372 of Succession Act, 1925, was made in respect of debts and securities left by deceased---Application for Succession Certificate could be made in respect of debt or debts due to deceased creditor or in respect of portions thereof which implied that more than one applications for grant of Succession Certificate could be made---Legal heir could make a consolidated claim by including assets and debts and securities in the same application and if resultantly the valuation had exceeded amount of Rupees Thirty Lacs, the same would have been filed before High Court---Such was true for Karachi only where pecuniary jurisdiction of District Judge had been limited to Rupees thirty Lacs under West Pakistan Civil Courts Ordinance, 1962. High Court established with powers to examine whether any law or provision of law is repugnant to the Injunctions in accordance with law. Appeal was allowed Quodlibet Sunnah of the Holy Prophet. But a Constitutional protection/safeguard was provided to Muslim Personal Law and it was kept outside the Head Notes [Case Description](#)

Citation Name: 2009 MLD 154 KARACHI-HIGH-COURT-SINDH [Bookmark this Case](#)
 immune from the scrutiny by the High Court as well as the Supreme Court itself. Although later on, ABDULKHALIQ VS Mst. Anwar Begum (Retd. ZAIAR SHAIKH) Appeal TERM, Succession Act 1925-384, 1994 SCMR 681 has held that the Federal Shariat Court is competent to examine whether section 4 is contrary to the Injunctions of Islam or not. With utmost respect and greater sense of humility I venture to say that the authoritative previous judgment of FEDERAL SHARIAT COURT 1981 SC 120 referred to hereinabove was not brought/placed before the Hon'ble Bench of the deed---Validity---Impugned order showed that appellant had never been ready to make payment of bid money nor he wanted to resolve dispute, but tried to keep same alive till last moment---Appellant sought three months' time for payment of bid money, but had not yet deposited a single penny in Court to show his bona fides to purchase property---Court had sold out property due to such conduct of appellant---Appeal could lie from order of District Judge granting or revoking certificate of sale---By virtue of impugned order, neither certificate had been granted nor revoked---High Court dismissed appeal in limine.

[Head Notes](#)[Case Description](#)

Citation Name: 2005 MLD 762 KARACHI-HIGH-COURT-SINDH

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Mst. ANWAR BEGUM VS ABDUL KHALIQ

Succession Act 1925-299 , Succession Act 1925-384 ,

---Ss. 299 & 384---Issuance of letters of administration---Modification and alteration of letters of administration---

Initially letters of administration in respect of properties and assets of deceased were allowed in favour of appellant who was widow of deceased, but subsequently on filing application by respondent under S. 12(2), C.P.C. letters of administration granted to appellant were modified to the extent of one Bank account of the deceased---Respondent had claimed that said Bank account was not personal account of the deceased, but was part and parcel of partnership business---Certificate issued by the Bank had clearly shown that said Bank account of the deceased was not personal account of deceased---Disputed Bank account having been fully established as personal account of deceased and not covered by alleged partnership of deceased and respondents, no legal impediment existed including said account number in are also not in a position to deal with the merits of the validity or invalidity of the impugned the letters of administration issued in favour of the appellant---High Court allowing appeal directed that disputed provision, as our jurisdiction is equally limited to the extent authorised by Article 203-B of the personal account of deceased be included in letters of administration issued in favour of appellant.

Constitution which lays down that such types of laws are not to be scrutinized there under. Holding ~~already Notes~~, we ~~Case Description~~ appeal and without expressing any opinion on the merits of the case or the law challenged herein, set aside the order of the High Court as being without jurisdiction, leaving the parties to bear their own costs."

Citation Name: 2004 YLR 1244 KARACHI-HIGH-COURT-SINDH

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In the above report the Honorable Supreme Court declined to examine the Ordinance VIII of 1961, in SHIREEN BANO VS D.J. CENTRAL

view of the provisions of Article 203-B of the Constitution.
1999 CLC 806, PLD 1991 SC 731, PLD 1994 Kar. 237,

~~Succession Act 1925-384~~ Succession Act 1925-384 that under Chapter 184-A of the Constitution Federal Shariat Court was established with powers to examine whether or not, any law or provision of law, is repugnant to the ---Ss. 370 & 384---Issuance of Succession Certificate regarding claim of group insurance of deceased---Amount of Injunctions of Islam as laid down in the Holy Qur'an and Sunnah of the Holy Prophet. But a group insurance neither being TARKA of deceased nor covering by terms debit and security, but merely being a Constitutional protection/safeguard was provided to Muslim Personal Law and it was kept outside the grant in favour of nominee of deceased, Succession Certificate in respect thereof could not be issued.

jurisdiction of Federal Shariat Court for the purpose of scrutiny as it is indicative from the definition ~~of the Note~~ 'law ~~Case Description~~' 203-B(c). As such the Hon'ble Shariat Bench of the Supreme Court in the case of Federation of Pakistan held that section 4 of the Muslim Family Laws Ordinance, 1961 is immune from the scrutiny by the High Court as well as the Supreme Court itself. Although later on, ~~Citation Name:~~ 2003 MLD 1772 KARACHI-HIGH-COURT-SINDH Honourable Supreme Court while refusing leave to appeal in the .case of Muhammad through Legal Heirs v. Mr. Rahmatan and others 1994 SCMR 681 has held that the Federal Shariat Court is competent to examine whether section 4 is contrary to the Injunctions of Islam or not. With utmost Appeal---TERM Succession Act 1925-384

respect and greater sense of humility I venture to say that the authoritative previous judgment of PLD --1988SCApp201--refuted to administration, grants of Appellant's brother forced the Hon'ble Bench property--Appellant claimed to be partner in the property in question as the same was a partnership concern---Respondents alleged that the partnership concern stood dissolved vide deed of dissolution of partnership---Further contention was that out of four partners, except the appellant, none had come forward to question the ownership of the property---Validity---Appellant had not produced any document to show that the partnership was not dissolved and was carrying on business after the date of dissolution--Such facts could have been established by producing statement of accounts and/or return submitted to Income Tax Authorities--Respondents had produced certificate issued by the Registrar of Firms according to which the appellant had retired from the firm---Entry regarding retirement of appellant was duly recorded in the Office of the Registrar of the Firms---High Court declined to interfere with the Letter of Administration, issued in favour of the respondents---Appeal was dismissed in circumstances.

[Head Notes](#)

[Case Description](#)

Citation Name: 2000 CLC 585 LAHORE-HIGH-COURT-LAHORE

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RUKHSANA KAUSAR VS ADDITIONAL DISTRICT AND SESSIONS JUDGE KHANEWAL

Succession Act 1925-384 ,

Ss. 37, 373 & 384---Succession Certificate, issuance of ---Procedure--Only a summary procedure is provided for issuance of Succession Certificate under S.373 of Succession Act, 1925---If any person wants a detailed determination of rights, remedy lies in shape of suit filed under S.37, Succession Act, 1925---Where a person is dissatisfied or aggrieved by issuance of a Succession Certificate, and appeal under S.384, Succession Act, 1925 lies.

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Head Notes **Case Description**
Court, holding to the contrary, is not correct and is liable to be set aside. In this view of the matter we are also not in a position to deal with the merits of the validity or invalidity of the impugned provision, as our jurisdiction is equally limited to the extent authorised by Article 203-B of the Constitution which lays down that such types of laws are not to be scrutinized there under. Holding accordingly, we accept this appeal and without expressing any opinion on the merits of the case or the law challenged herein, set aside the order of the High Court as being without jurisdiction, leaving the parties to bear their own costs."

Citation Name: 1997 OLC 1846 PESHAWAR-HIGH-COURT [Bookmark this Case](#)
UMAR FAROOQ SHAH VS SHAGUFTA NASREEN
 Succession Act 1925-384
 Succession Act 1925 Ss. 384 & 388---Provisions of Ss.384 & 388, Succession Act, 1925 were not in consonance with each other in respect of forum of appeal when succession certificate was granted/not granted by any Court. In the above report the Honorable Supreme Court declined to examine the Ordinance VIII of 1961, in subordinate to District Court--Vesting of powers of District Judge in matter of grant of succession certificate--view of the provisions of Article 203-B of the Constitution. Provisions of Ss.384 & 388 of the Act compared and explained.

Head Notes **Case Description**under Chapter 3-A of the Constitution Federal Shariat Court was established with powers to examine whether or not, any law or provision of law, is repugnant to the Injunctions of Islam as laid down in the Holy Qur'an and Sunnah of the Holy Prophet. But a Constitutional protection/safeguard was provided to Muslim Personal Law and it was kept outside the jurisdiction of Federal Shariat Court for the purpose of scrutiny as it is indicative from the definition of the word 'law' under Article 203-B(c). As such the Hon'ble Shariat Bench of the Supreme Court in Succession Act 1925-384. The case of Federation of Pakistan held that section 4 of the Muslim Family Laws Ordinance, 1961 is immune from the scrutiny by either High Court or as the Supreme Court itself. Although, an appeal and one order of stay before the court while refusing to issue a succession certificate of Muhammad Iqbal brought in Islamabad were issued to appellants but were refused to be issued in favour of respondents for the fact that schedule of property was not attached with their application. Letter of Administration issued to respondents subsequently on submission of schedule of property in question, without notice to appellants was valid, in spite of the fact that such respect and greater sense of humility I venture to say that the authoritative previous judgment of PLD notice should have been issued---Issuance of joint letter of administration to both parties had caused no prejudice to 1981 SC 120 referred to hereinabove was not brought/placed before the Hon'ble Bench of the petitioners.

Head Notes **Case Description**

Citation Name: 1994 PLD 373 LAHORE-HIGH-COURT-LAHORE [Bookmark this Case](#)
MUHAMMAD MUSHTAQ VS PUBLIC-AT-LARGE
 Succession Act 1925-384 , Succession Act 1925-388 ,

---Ss. 384 & 388---Punjab Government Notification No.781, dated 17-7-1914--Succession Certificate---Appeal against rejection of application for grant of Succession Certificate---Forum---Order within meaning of S.384, Succession Act, 1925 was passed by a Court inferior to that of District Judge---Forum of appeal---Where any order was passed by a Court subordinate to District Judge, then an appeal from that order granting, refusing or revoking a Succession Certificate by such Court would lie to the District Judge and not to the High Court---Punjab Government Notification No.781 dated 17-7-1914, had invested the subordinate Judges of the first [Bookmark this Case](#), functions of a District Court---Regardless of the limits of pecuniary jurisdiction, any order passed under the delegated authority under S.388, Succession Act, 1925, by a Civil Judge was susceptible to an appeal to the District Judge and are also not in a position to deal with the merits of the validity or invalidity of the impugned not directly to the High Court---Appeal against order of Civil Judge having been directly filed before High court was provision, as our jurisdiction is equally limited to the extent authorised by Article 203-B of the returned for its presentation to the Court of competent jurisdiction---[Appeal (civil)].
Constitution which lays down that such types of laws are not to be scrutinized there under. Holding ~~already notes~~, we [Case Description](#) appeal and without expressing any opinion on the merits of the case or the law challenged herein, set aside the order of the High Court as being without jurisdiction, leaving the parties to bear their own costs."

Citation Name: 1992 CLC 2515 LAHORE-HIGH-COURT-LAHORE

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In the above report the Honorable Supreme Court declined to examine the Ordinance VIII of 1961, in ~~HAMIDA BEGUM VS HUSSAIN AKHTAR~~ view of the provisions of Article 203-B of the Constitution.
Succession Act 1925-384 ,

~~Succession Act 1925 ss. 384 and 388 and Civil Chapter 3 of the Code of Civil Procedure, 1908, on 15th Revision before Federal Shariat Court~~
~~Established Petition for application before Trial Court was any day confirmed issue of law, of succession certificate~~
~~which had earlier been granted to respondent but was also for issuance of same in the name of prophet. But a injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet. But a~~
~~Constitutional protection/safeguard was provided to Muslim Personal Law and it was kept outside the jurisdiction of Federal Shariat Court for the purpose of scrutiny as it is indicative from the definition order passed by District Judge in appeal was thus competent.~~
~~of the word law under Article 203-B(c). As such the Hon'ble Shariat Bench of the Supreme Court in the case of Federation of Pakistan held that section 4 of the Muslim Family Laws Ordinance, 1961 is immune from the scrutiny by the High Court as well as the Supreme Court itself. Although later on, Honourable Supreme Court while refusing leave to appeal in the case of Muhammad through Legal~~

Citation Name: 1988 MLD 1270 KARACHI-HIGH COURT-Sindh
~~Held v. Mst. Rehmatan and others~~ has held that the Federal [Bookmark this Case](#)

~~competent to examine whether section 4 is contrary to the Injunctions of Islam or not. With utmost respect and greater sense of humility I venture to say that the authoritative previous judgment of PLD Succession Act 1925-384 referred to hereinabove was not brought/placed before the Hon'ble Bench of the~~

~~Succession Act 1925 ss. 372 & 384--Succession Certificate--Succession Certificate to receive group insurance amount refused to appellant by District Judge on ground that appellant had failed to establish his entitlement--No denial coming from respondent or anybody else as to relationship between appellant and deceased as averred in application--Nobody had come forward in response to public notice--Question whether application of appellant for issue of succession certificate could have been denied in absence of finding that there was some other relation of deceased, had not been looked into by District Judge--Case remanded to District Judge with direction to dispose of application for issuance of Succession Certificate afresh after hearing parties on the above aspect after giving opportunity to produce further evidence, if any.~~

[Head Notes](#)

[Case Description](#)

Citation Name: 1974 PLD 74 PESHAWAR-HIGH-COURT

[Bookmark this Case](#)

NAIM JAN QAZI VS MST. WAZIRZADGAI

Succession Act 1925-384 ,

Ss. 383 & 384-Succession certificate, revocation of-Applicant under S. 383 simply praying that succession certificate be revoked--On petition being dismissed prayer made in appeal that order refusing revocation be vacated and additionally appellants themselves be declared as competent to receive certificate-Held: Such additional relief cannot be granted by appellate Court ; "General or other relief" mentioned in r. 7, O. VII, C. P. C. is one which ensues from relief specially stated in plaint-Civil Procedure Code (V of 1908), O. VII, r. 7.

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[Head Notes](#) [Case Description](#)

~~Court, holding to the contrary, is not correct and is liable to be set aside. In this view of the matter we~~

are also not in a position to deal with the merits of the validity or invalidity of the impugned provision, as our jurisdiction-is equally limited to the extent authorised by Article 203-B of the Constitution which lays down that such types of laws are not to be scrutinized there under. Holding accordingly, we accept this appeal and without expressing any opinion on the merits of the case or the law challenged herein, set aside the order of the High Court as being without jurisdiction, leaving the parties to bear their own costs." March

[CLC Notes](#)

In the above report the Honorable Supreme Court declined to examine the Ordinance VIII of 1961, in view of the provisions of Article 203-B of the Constitution. [YLR Notes](#)

[PCrLJ Notes](#)

It is pertinent to note that under Chapter 3-A of the Constitution Federal Shariat Court was established with powers to examine whether or not, any law or provision of law, is repugnant to the Injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet. But a Constitutional protection/safeguard was provided to Muslim Personal Law and it was kept outside the jurisdiction of Federal Shariat Court for the purpose of scrutiny as it is indicative from the definition of the word 'law' under Article 203-B(c). As such the Hon'ble Shariat Bench of the Supreme Court in the case of Federation of Pakistan held that section 4 of the Muslim Family Laws Ordinance, 1961 is immune from the scrutiny by the High Court as well as the Supreme Court itself. Although later on, Honourable Supreme Court while refusing leave to appeal in the case of Muhammad through Legal Heirs v. Mst. Rehmat PLD 1981 SC 120 and others 1994 SCMR 681 has held that the Federal Shariat Court is competent to examine whether section 4 is contrary to the Injunctions of Islam or not. With utmost respect and greater sense of humility I venture to say that the authoritative previous judgment of the Hon'ble Bench of the

Miscellaneous

- > Circulars
- > General Orders
- > Notifications

New Statutes

- > Federal
- > Punjab

- > KPK

- > Balochistan

- > Sindh

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Case Description

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