

Case Description



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the petitioner's witnesses were present and it was the learned trial Court, perhaps, who did not deem it proper to record their statements and adjourned the case. Valuable rights of the parties were involved in this case and therefore, in the circumstances of the case the learned trial Court should have shown a bit more indulgence to the petitioner by granting another adjournment subject to the payment of costs so that the case could be decided on merits. Learned appellate Court has also failed to take into consideration this aspect of the case and thus has reached a conclusion which does not have the support of the Succession Act 1925. Courts. I, therefore, have no hesitation in holding that the closure of the petitioner's evidence in the present case was not justified. The two Courts below have committed an illegality which calls for interference by this Court in exercise of the revisional jurisdiction.

Consequently the revision petition is accepted, the impugned orders are set aside and the application filed by the petitioner stands restored. The parties are directed to appear before the learned Senior Civil Judge, Toba Tek Singh on 17-10-1992, to whom this case is entrusted for disposal. He shall give one last opportunity to the petitioner for the production of her evidence subject to the payment of Rs. 500 as costs.

Succession Act 1925-384

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Parties to bear their own costs.

Citation Name: 2023 PLD 248 KARACHI-HIGH-COURT-SINDH AA./H.-45/L Case remanded.

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Mst. RAANA ALWI VS DISTRICT AND SESSIONS JUDGE, EAST KARACHI

Ss. 383 & 384---Constitution of Pakistan, Art. 199---Constitutional petition---Revocation of Succession certificate---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revocation would lie to the Court that made the grant and in the event such application was accepted and certificate was revoked, appeal would then also lie to High Court---High Court declined to interfere in the matter---Constitutional petition was dismissed, in circumstances.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](#)

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

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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**Bookmark this Case** 

ABDUL KADER VS SULEMAN

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Ss. 278, 299 & 384---Civil Procedure Code (V of 1908), O. VII, R. 10---Letter of administration---Pecuniary jurisdiction---the petitioner's witnesses were present and it was the learned trial Court, perhaps, who did not deem it proper to record their statements and adjourned the case. Valuable rights of the parties were involved filed by them were returned to them under O. VII, R. 10, C.P.C. for presentation before the Court having pecuniary jurisdiction. Validity of the applications filed by the petitioner before the learned trial Court, should have been shown property was in dispute between the petitioner and the appellants subject sought the payment of Administration only in respect of the deceased left by each of the deceased. Even though having separate and distinct share in the subject property falling within the pecuniary jurisdiction of the Trial Court, each of their respective legal representatives was entitled to file a separate application, particularly when there was no bar in law that support of the law laid down by the superior Courts. It, therefore, have no hesitation in holding that separate applications in respect of separate and distinct shares or portions in the same property could not be filed---the closure of the petitioner's evidence in the present case was not justified. The two Courts below Separate applications could be filed before the Court having the pecuniary jurisdiction to the extent of the said shares of each of the deceased---Impugned orders were set aside and the applications were remanded to the Trial Court jurisdiction with the direction to decide the objections filed therein by all the objectors.

Head Notes Case Description

Consequently the revision is accepted, the impugned orders are set aside and the application filed by the petitioner stands restored. The parties are directed to appear before the learned Senior Civil Judge, Toba Tek Singh on 17-10-1992, to whom this case is entrusted for disposal. He shall give **Citation Name:** 2021 CLC 1807 QUETTA-HIGH-COURT-BALOCISTAN **Bookmark this Case** 

one last opportunity to the petitioner for the production of her evidence subject to the payment of Rs. 500/- as costs.

SHABAN KHODA BAKHSH VS HATIMA AMEER

Ss. 373 & 384---Succession certificate, application for---Title to property---Jurisdiction---Son of deceased sought Parties to bear their own costs. succession to amount lying in Bank account of his deceased father---Widow claimed full amount lying in the account to the exclusion of other legal heirs on the plea that amount was sale consideration of plots owned by her---Trial Court issued succession certificate to all legal heirs as per their shares---Validity---Petition for grant of succession 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---Appeal was dismissed, in circumstances.

Head Notes

Case Description

Citation Name: 2021 CLC 1498 KARACHI-HIGH-COURT-SINDH**Bookmark this Case** 

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, wherefore [Bookmark this Case](#) 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 authorities to the disadvantage of a Unit holder---All assets of deceased automatically stood devolved in favour of his/her legal heirs as per Islamic Law of inheritance in similar terms as the case of deceased was before his/her death---Authorities unnecessarily dragged the matter and also failed to comply with the orders already passed by Single Judge of High Court by raising misconceived and erroneous plea---Division Bench of High Court declined to interfere so that the case could be decided on merits. Learned appellate Court has also failed to take into consideration in this appeal of the case and thus has reached a conclusion which does not have the support of the law laid down by the superior Courts. I, therefore, have no hesitation in holding that [Head Notes](#) [Case Description](#) the closure of the petitioner's evidence in the present case was not justified. The two Courts below have committed an illegality which calls for interference by this Court in exercise of the revisional jurisdiction.

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

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[MELONI AND VVS GENERAL PUBLIC](#) As accepted, the impugned orders are set aside and the application filed by the petitioner stands restored. The parties are directed to appear before the learned Senior Civil Judge, Toba Tek Singh on 17-10-1992 to whom this case is entrusted for disposal. He shall give one last opportunity to the petitioner for the production of her evidence subject to the payment of Rs. 500/- High Court--- Appeals were wrongly filed before High Court---Appeal 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](#)
AA./H.-45/L Case remanded.

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

[Bookmark this Case](#)

IDARA-E-NOOR-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 of deceased---High Court set aside order passed by Trial Court to the extent of inclusion of name of stepbrother of deceased in list of legal heirs. Appeal was allowed accordingly.

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

The petitioner by granting another adjournment subject to the payment of costs so that the case could be decided on merits. Learned appellate Court has also failed to take into

Citation Name: 2017 YLR 150 PESHAWAR-HIGH-COURT [Bookmark this Case](#)

consideration this aspect of the case and thus has reached a conclusion which does not have the support of the law laid down by the superior Courts. I, therefore, have no hesitation in holding that

LIAQAT ALI KHAN VS Mst. AZIZA BINT HAFIZA The present case was not justified. The two Courts below have committed an illegality which calls for interference by this Court in exercise of the revisional Determination--Term , Presumption--TERM , Procedure--TERM , Requirement--Term , Revocability--Term , Jurisdiction , Succession Act 1925--373 , Succession Act 1925--384 , Succession Act 1925--387 ,

Ss. 373(3), 384, 387 & 388: Application for succession certificate---Procedure---Issuance of succession certificate during pendency of declaratory suit---Validity---Holder of succession certificate---Liability towards rightful claimant---Succession certificate---Revocability---Proof of divorce of wife of deceased---Requirement---Status of widow---Civil Judge, Toba Tek Singh on 17-10-1992, to whom this case is entrusted for disposal. He shall give Determination---Presumption---Application for issuance of succession certificate by widow of deceased---one last opportunity to the petitioner for the production of her evidence subject to the payment of Respondents took plea that the deceased had divorced the applicant during his lifetime, and only they being brothers Rs. 500 as costs and sisters were entitled to his legacy---Respondents (brothers and sisters) also filed a suit for declaration claiming themselves as sole legal heirs of the deceased and applicant as his divorcee having no right in legacy---Trial Court is directed to dismiss their suit 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---Trial Court clearly found that applicant would be considered as widow of deceased unless and until her 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)---

[AAJH-45/E Case remanded.](#)

[Head Notes](#)

[Case Description](#)

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

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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.

the petitioner's witnesses were present and it was the learned trial Court, perhaps, who did not deem it proper to record their statements and adjourned the case. Valuable rights of the parties were involved in this case and therefore, in the circumstances of the case the learned trial Court should have shown

Citation Name: 2015 CLC 1719 QUETTA HIGH COURT BALOCHISTAN **Bookmark this Case**
costs so that the case could be decided on merits. Learned appellate Court has also failed to take into consideration this aspect of the case and thus has reached a conclusion which does not have the support of the law laid down by the superior Courts. I, therefore, have no hesitation in holding that the closure of the petitioner's evidence in the present case was not justified. The two Courts below Succession Act 1925--381, Succession Act 1925--384, Succession Certificate--TERM have committed an illegality which calls for interference by this Court in exercise of the revisional

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 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 Civil Judge, Toba Tek Singh on 17-10-1992, to whom this case is entrusted for disposal. He shall give jurisdiction---Issuance of certificate also did not confer any title to holder of certificate, rather certificate was issued one last opportunity to the petitioner for the production of her evidence subject to the payment of with the sole purpose to recover dues from concerned department---Person aggrieved could press his right through Rs. 500 as costs.
Consequently the revision petition is accepted, the impugned orders are set aside and the application filed by the petitioner stands restored. The parties are directed to appear before the learned Senior Civil Judge, Toba Tek Singh on 17-10-1992, to whom this case is entrusted for disposal. He shall give jurisdiction---Issuance of certificate also did not confer any title to holder of certificate, rather certificate was issued one last opportunity to the petitioner for the production of her evidence subject to the payment of with the sole purpose to recover dues from concerned department---Person aggrieved could press his right through Rs. 500 as costs.
Trial Court, in the present case, without discussing nature of dues and fact that either it covered legacy of deceased and ~~or claim of parties before its~~, 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 receive any share out of the dues of deceased--- High Court set aside such findings of Trial Court which erred while recording findings and the same could not hold the field---High Court modified the order passed by Trial Court---Appeal was allowed accordingly.

[Head Notes](#)

[Case Description](#)

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

Bookmark this Case

HIFEEZA 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---

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 show that the deceased had intended to abandon Pakistan for ever---Trial court while dismissing application filed proper to record their statements and adjourned the case. Valuable rights of the parties were involved under S.372 of Succession Act, 1925, had erred in facts and law while interpreting the word 'domicile'---Word 'domicile' had not been defined in Succession Act, 1925---In ordinary meaning 'domicile' meant the place where a man lived or had his home---Impugned order was set aside and Trial Court was directed to decide succession costs so that the case could be decided on merits. Learned appellate Court has also failed to take into

consideration this aspect of the case and thus has reached a conclusion which does not have the Head Notes Case Description

support of the law laid down by the superior Courts. I, therefore, have no hesitation in holding that the closure of the petitioner's evidence in the present case was not justified. The two Courts below have committed an illegality which calls for interference by this Court in exercise of the revisional jurisdiction.

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MUHAMMAD NASEEM AHMAD VS Mst. SHAMA KHATOON

Consequently the revision petition is accepted, the impugned orders are set aside and the application Succession Act 1925-192, Succession Act 1925-372, Succession Act 1925-384, filed by the petitioner stands restored. The parties are directed to appear before the learned Senior

SC 192, 372 & 384 Tehsil Employees Benefit Fund and Group Insurance Act 1969 S.2(5) shall give forming part of deceased's "Taka," "Family," scope of Recovery of final "service dues," Benevolent fund and group insurance. Widow of deceased filed application for issuance of succession certificate in her favour, in respect of final "service dues" of the deceased---Contention of the appellant was that the applicant/widow had not disclosed 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 basically death benefits of the deceased, which he could not claim during his lifetime, and thus the same did not form part of his "Taka," and therefore, the same were not divisible among all legal heirs of the deceased-Amount 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 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

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

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~~ [Bookmark this Case](#)  virtue 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

~~the petitioner's witnesses were present and it was the learned trial Court, perhaps, who did not deem it~~

~~proper to record their statements and adjourned the case. Valuable rights of the parties were involved Head Notes Case Description in this case and therefore, in the circumstances of the case the learned trial Court should have shown a bit more indulgence to the petitioner by granting another adjournment subject to the payment of~~

Citation Name: 2010 MLD 1433 KARACHI-HIGH-COURT-SINDH [Bookmark this Case](#) 

consideration this aspect of the case and thus has reached a conclusion which does not have the

Mst. UZMA REHMAN VS PUBLIC AT-LARGE [Bookmark this Case](#) 

Support of the law laid down by the superior Courts. I, therefore, have no hesitation in holding that

~~Jurisdiction of the Court of Revision is limited to the examination of the evidence of the parties and the Court cannot interfere with the findings of the trial court unless there is clear and manifest disregard of the law by the trial court.~~

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 filed at place K however application for grant of Letters of Administration for

immovable property left by the deceased at place L was dismissed on ground that property in question was situated

at place by the applicant stands apportioned. The parties having jurisdiction to appear before the Succession Act, 1925

Jurisdiction, with the Trial Court on the 17/10/1992, ordinarily entitled in the present case disposed Heir 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

Administration in respect of the property left by the deceased at place L---Impugned order was set aside and court

was directed to proceed, with the matter accordingly.

Parties to bear their own costs.

Head Notes Case Description

AA./H.-45/L Case remanded.

Citation Name: 2010 MLD 1433 KARACHI-HIGH-COURT-SINDH

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MUHAMMAD SOHAIL 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---

~~the petitioner's witnesses were present and it was the learned trial Court, perhaps, who did not deem it proper to record their statements and adjourned the case. Valuable rights of the parties were involved wherever such person might have had his domicile at the time of his death--Grant of Succession Certificate and 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, 1925, could be made for costs so that the case could be decided on merits. Learned appellate Court has also failed to take into consideration that the case was referred to the learned trial Court, which does not have the sequestration of the deceased--Application for Succession Certificate therefore, made in respect of debt holding the deceased creditor or the person of estimate thereof which implied that more than one application 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 Consequently the revision petition is accepted, the impugned orders are set aside and the application filed by the petitioner stands restored. The parties are directed to appear before the learned Senior Civil Judge, Toba Tek Singh on 17-10-1992, to whom this case is entrusted for disposal. He shall give one last opportunity to the petitioner for the production of her evidence subject to the payment of Rs.500 as costs.~~

Citation Name: 2009 YLR 1154 KARACHI-HIGH-COURT-SINDH
Parties to bear their own costs.

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ASAD SHAUKAT VS Major (Retd.) ZAFAR SHAUKAT

AA./H.-45/L Case remanded.
Appeal--TERM , Succession Act 1925--384 ,

S.384---Appeal---Auction of property---Property offered to appellant having a preferential right to purchase same---Failure of appellant to deposit bid money by specified date---Sale of property to highest bidder through registered 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

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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 the letters of administration issued in favour of the appellant---High Court allowing appeal directed that disputed personal account of deceased be included in letters of administration issued in favour of appellant.

[Head Notes](#) [Case Description](#)
The petitioner's witnesses were present and it was the learned trial Court, perhaps, who did not deem it proper to record their statements and adjourned the case. Valuable rights of the parties were involved in this case and therefore, in the circumstances of the case the learned trial Court should have shown

a bit more indulgence to the petitioner by granting another adjournment subject to the payment of costs so that the case could be decided on merits. Learned appellate Court has also failed to take into consideration this aspect of the case and thus has reached a conclusion which does not have the

[Citation Name:](#) 2004 YLR 1 244 KARACHI-HIGH-COURT-SINDH [Bookmark this Case](#)
Support of the law laid down by the superior Courts, therefore, have no hesitation

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the closure of the petitioner's evidence in the present case was not justified. The two Courts below SHIREEN BANO VS D.J. CENTRAL have committed an illegality which calls for interference by this Court in exercise of the revisional jurisdiction.

Succession Act 1925--370 , Succession Act 1925--384 ,

Consequently the revision petition is accepted, the impugned orders are set aside and the application ---Ss. 370 & 384---Issuance of Succession Certificate regarding claim of group insurance of deceased---Amount of group insurance neither being 'TARKA' of deceased nor covering by terms 'debit' and 'security' but merely being a Civil Judge, Toba Tek Singh on 17-10-1992, to whom this case is entrusted for disposal. He shall give grant in favour of nominee of deceased, Succession Certificate in respect thereof could not be issued. one last opportunity to the petitioner for the production of her evidence subject to the payment of

Rs. 500 as costs. [Case Description](#)

Parties to bear their own costs.

[Citation Name:](#) 2003 MLD 1772 KARACHI-HIGH-COURT-SINDH

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AA./H-45/L Case remanded
Messrs COMMERCIAL TEXTILE PRINTERS VS MUHAMMAD YASIN

Appeal--TERM , Succession Act 1925--384 ,

---S.384---Appeal---Letter of administration, grant of---Appellant was brother of deceased owner of the suit 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
Citation Name: 1997 CLC 1846 PESHAWAR-HIGH-COURT	the petitioner's witnesses were present and it was the learned trial Court, perhaps, who did not deem it proper to record their statements and adjourned the case. Valuable rights of the parties were involved in this case and therefore, in the circumstances of the case the learned trial Court should have shown Bookmark this Case

UMAR FAROOQ BHAGWAN VS SHAKUTA NASEER Granting another adjournment subject to the payment of costs so that the case could be decided on merits. Learned appellate Court has also failed to take into consideration this aspect of the case and thus has reached a conclusion which does not have the 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 subordinate to District Court-Vesting of powers of District Judge in matter of grant of succession certificate--have committed an illegality which calls for interference by this Court in exercise of the revisional Provisions of Ss.384 & 388 of the Act compared and explained.

Head Notes	Case Description
Citation Name: 1995 CLC 51 QUITTA-HIGH-COURT-BALUCHISTAN	Consequently the revision petition is accepted, the impugned orders are set aside and the application filed by the petitioner stands restored. The parties are directed to appear before the learned Senior Bookmark this Case

MUHAMMAD HASSAN MUSA VS MUHAMMAD JAVED MUSA one last opportunity to the petitioner for the production of her evidence subject to the payment of Rs.500 as costs.

Succession Act 1925--384 ,
Parties to bear their own costs

Succession Act 1925 S. 384--Letter of Administration relating to movable property of deceased---Validity---Appellant and respondents both being heirs of deceased were issued succession certificates jointly---Letters of Administration were issued to appellants and 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 notice should have been issued---Issuance of joint letter of , administration to both parties had caused no prejudice to petitioners.

Head Notes	Case Description
Citation Name: 1994 PLD 373 LAHORE-HIGH-COURT-LAHORE	Bookmark this Case

MUHAMMAD MUSHTAQ VS PUBLIC-AT-LARGE	Bookmark this Case
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 not directly to the High Court---Appeal against order of Civil Judge having been directly filed before High court was proper to record their statements and adjourned the case. Valuable rights of the parties were involved returned for its presentation to the Court of competent jurisdiction---[Appeal (civil)].

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

Citation Name: 1992 CLC 215 LAHORE HIGH COURT LAHORE
Support of the law laid down by the Superior Courts. Therefore, have no hesitation [Bookmark this Case](#).

the closure of the petitioner's evidence in the present case was not justified. The two Courts below HAMIDA BEGUM VS HUSSAIN AKHTAR have committed an illegality which calls for interference by this Court in exercise of the revisional Succession Act 1925--384 ,

Succession Act 1925 Ss. 384 & 388---Civil Procedure Code (V of 1908), S.115---Revision before High Court---Consequently, the revision petition is accepted, the impugned orders are set aside and the application filed by the petitioner stands restored. The parties are directed to appear before the learned Sessions Court Judge, Toba Tek Singh Trial Court 1992, under this cause is also to stand disposed of. The succession certificate to petitioner. Such order was, therefore, appealable under S.384, Succession Act, 1925. Revision against order passed by District Judge in appeal was thus competent.

[Head Notes](#) [Case Description](#)
Parties to bear their own costs.

Citation Name: 1988 MDC 1270 KARACHI-HIGH-COURT-SINDH

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SA. MASUD AHMAD VS KARACHI MUNICIPAL CORPORATION

Succession Act 1925--384 ,

-----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](#)

the petitioner's witnesses were present and it was the learned trial Court, perhaps, who did not deem it proper to record their statements and adjourned the case. Valuable rights of the parties were involved in this case and therefore, in the circumstances of the case the learned trial Court should have shown a bit more indulgence to the petitioner by granting another adjournment subject to the payment of costs so that the case could be decided on merits. Learned appellate Court has also failed to take into consideration this aspect of the case and thus has reached a conclusion which does not have the support of the law laid down by the superior Courts. I, therefore, have no hesitation in holding that the closure of the petitioner's evidence in the present case was not justified. The two Courts below have committed an illegality which calls for [Notes on Cases](#) [March](#) [CLC Notes](#) [YLR Notes](#) [PCrLJ Notes](#) [Reference](#) by this Court in exercise of the revisional jurisdiction.

PCrLJ Notes

Consequently the revision petition is accepted, the impugned orders are set aside and the application filed by the petitioner stands restored. The parties are directed to appear before the learned Senior Civil Judge, Toba Tek Singh on 17-10-1992, to whom this case is entrusted for disposal. He shall give one last opportunity to the petitioner for the [Journals](#) [Submission](#) of her evidence subject to the payment of Rs.500 as costs.

PLD

SCMR

Parties to bear their own costs.

CLD

PTD

AA./H.-45/L Case remanded.

MLD

PLC

CLC

YLR

PCrLJ

GBLR

Miscellaneous

- > Circulars
- > General Orders
- > Notifications

New Statutes

- > Federal
- > Punjab

[KPK](#)[Balochistan](#)[Sindh](#)

Case Description

[Bookmark this Case](#) 

the petitioner's witnesses were present and it was the learned trial Court, perhaps, who did not deem it proper to record their statements and adjourned the case. Various rights of the parties were involved in this case and therefore, in the circumstances of the case the learned trial Court should have shown a bit more indulgence to the petitioner by giving her last chance subject to the payment of costs so that the case could be decided on merits. Learned appellate Court has also failed to take into consideration this aspect of the case and thus has reached a conclusion which does not have the support of the law laid down by the superior Courts. I, therefore, have no hesitation in holding that the closure of the petitioner's evidence in the present case was not justified. The two Courts below have committed an illegality which calls for interference by this Court in exercise of the revisional jurisdiction.

Consequently the revision petition is accepted, the impugned orders are set aside and the application filed by the petitioner stands restored. The parties are directed to appear before the learned Senior Civil Judge, Toba Tek Singh on 17-10-1992, to whom this case is entrusted for disposal. He shall give one last opportunity to the petitioner for the production of her evidence subject to the payment of Rs.500 as costs.

Parties to bear their own costs.

AA./H.-45/L Case remanded.