

Case Description



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Learned counsel for the respondent maintained that the Christian in Pakistan are governed under Succession Act, 1925 and are not at all governed under the Code of Canon or laws as reported in Halsbury Law of England. It was further contended that the Code of Canon, in any case, applies to the clergy and layman holding ecclesiastical office and not Christian in general.

I have heard the arguments of learned counsel for the parties at great length, perused the material available on record.

Search in Statute -- Succession Act 1925-44



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Engaging question that has arisen in this appeal is, whether under the law governing succession in Pakistan, a child adopted by a Christian would succeed to the estate of adoptive parent. Succession, though not defined in the Act itself means the devolution of right, title and interest in the property of the deceased unto his kindred in accordance with law regulating such devolution and distribution of property. Whether adoption ipso facto creates any relationship of kinship, between the adopted child and adoptive parents is to be examined. Adoption in legal parlance in terms of Black's Law Dictionary (Sixth Edition) is defined as follows:--

Succession Act 1925-44

Adoption--Legal process pursuant to state statute in which a child's legal rights and duties towards his natural parents are terminated and similar rights and duties toward his adoptive parents are substituted. To take into one's family the child of another and give him or her the rights, privileges, and duties of a child and heir. The procedure is entirely statutory and has no common law.

Citation Name: 2003 PLD 270 KARACHI HIGH COURT; SINDH

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Miss LILIAN SEN VS Mrs. PHYLLIS MERLIN XAVIER

Succession Act 1925--23, Succession Act 1925--24, Succession Act 1925--25, Succession Act 1925--26, Succession Act 1925--27, Succession Act 1925--28, Succession Act 1925--29, Succession Act 1925--30, Succession Act 1925--31, Succession Act 1925--32, Succession Act 1925--33, Succession Act 1925--34, Succession Act 1925--35, Succession Act 1925--36, Succession Act 1925--37, Succession Act 1925--38, Succession Act 1925--39, Succession Act 1925--40, Succession Act 1925--41, Succession Act 1925--42, Succession Act 1925--43, Succession Act 1925--44, Succession Act 1925--45, Succession Act 1925--46, Succession Act 1925--47, Succession Act 1925--48,


----Ss. 5 & 23 to 48---Succession to property---Christian succession---Succession to movable and immovable property of any intestate in Pakistan is governed under the laws in Pakistan in terms of S.5 of the Succession Act, 1925--Property in case of Christian succession devolves upon surviving spouses-or upon those who are kindred in ascending or descending order to the intestate.

Head Notes

Case Description

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New Statutes	
Adoption has not been defined nor is recognized under the Succession Act, 1925. Adoption neither under 'Muslim Law' nor 'Christian Law' creates any kindred relationship between the adopted child and the natural parents.	
> Punjab	
> KPK	
> Balochistan	
> Sindh	