IN THE COURT OF MARYAM SHEHERYAR

CIVIL JUDGE 1st CLASS ISLAMABAD (WEST)

Civil Suit No: 34/2026

Date of Institution: 26.01.2026

Date of Decision: 13.05.2026

1. Muhammad Hanif S/o Lal Deen R/o House No.1, Street No.24, Ghazi Nagar Major Abur Rehman Road, Usman Abad Karachi, Holding CNIC No.915-060137645-1 Cell No.0301-2724260, +1(647)638-4327.

2. Muhammad Sharif S/o Lal Deen R/o House No.1, Street No.24, Ghazi Nagar Major Abu-r-Rehman Road, Usman Abad Karachi, Holding CNIC No.42301-0216928-7. Through SPA Holder Muhammad Hanif S/o Lal Deen R/o House No.1, Street No.24, Ghazi Nagar Major Abur Rehman Road, Usman Abad Karachi, Holding CNIC No.915-060137645-1 +1(647)638-4327

...**PLAINTIFFS**

VERSUS

1. Public at Large.
2. Capital Development Authority, Islamabad through its Chairman.

...**DEFENDENTS**

SUIT FOR DECLARATION OF LEGAL HEIRSHIP

Present: Ch, M. Mohsin Maqsood Advocate learned counsel for plaintiffs.

Defendant No.1 proceeded ex-parte.

Ms. Sabira Naz Qureshi Advocate, learned counsel for defendant NO.2.

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JUDGMENT

13.05.2026.

01. Brief facts leading to the filing of the instant suit that the father & mother of the Plaintiffs, namely Lal Deen son of Ghulam Deen & Nazra wife of Lal Din, died on 01.02.2011 & 08.06.2003 respectively and they left behind the following legal heirs

i). Muhammad Hanif S/o Lal Deen (Son).
ii). Nasreen Begum D/o Lal Deen (Daughter)

iii) Farzana Akram D/o Lal Deen (Daughter)

iv) Hussain Muhammad Ghoursi S/o (Son)

v) Muhammad Sharif S/o Lal Deen (Son)

vi) Muhammad Ashraf S/o Lal Deen (Son)

vii) Shabana D/o Lal Deen, (Son)

That real mother of plaintiffs namely NAZRA W/o Lal Deen left behind following immoveable property:-

i) House No. 691, sector G-11/2, Measuring 138.88 Sq.yd Islamabad.

That the persons mentioned in Para No.6 of the instant suit are the sole and lawful legal heirs of the deceased Lal Deen & Mst. Nazra, and there exist no other heirs, successors, or claimants to their estates. That it is now the moral, ethical, and legal duty of all the legal heirs of the deceased persons to effect the transfer of the inherited property in the names of the rightful heirs as detailed in para No.6. That the plaintiffs seeks declaration to the effect that they are lawful legal heirs of said deceased persons and no other legal heirs. The plaintiffs approached the concern department for the transfer of the same, but they decline the said request, hence, this suit.

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02. On the other hand, despite proclamation of defendant No.1 in daily newspaper "**AZKAR**", no one turned up on behalf of the defendant No.1/public at large, therefore, vide order dated 30.01.2026, defendant No.1/public at large was proceeded ex-parte, whereas, the defendant NO.2 contested the suit through filing written statement and raised preliminary as well as factual objections on the suit and prayed for dismissal of the suit.

03. Out of divergent pleadings of the parties following issues were framed on 16.04.2026.

ISSUES

1. **Whether the plaintiffs are entitled to the relief of permanent & mandatory injunction, as prayed for ?** OPP
2. **Whether the plaintiffs have no cause of action or locus-standi to file the present suit against Defendant No. ?** OPD
3. **Whether the suit of the plaintiffs is not maintainable in its present form, hence, same is liable to be rejected ?** OPD
4. **Whether as per record of Defendant No.2 (CDA), the suit property stands allotted/transferred in the name of Ms. Nazra vide letter dated 28.12.1996 and what is its effect?** OPD
5. **Relief.**

04. After framing of issues, the plaintiffs were directed to lead their respective evidence. In compliance thereof, plaintiff NO.1 as well as special power of attorney of plaintiff No.2 namely Muhammad Sharif, entered in the witness box as PW-1, and submitted his affidavit as Exh.P.1 wherein he deposed on oath in support of the facts pleaded in the plaint. In documentary evidence PW-1 produced the following documents:

- Death certificates of deceased Mst. Nazra (OS&R) as **Exh-P.2.**
- Death certificates of deceased Lal Din (OS&R) as **Exh-P.3.**

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- FRC of Lal Din (OS&R) as **Exh-P.4.**
- Decline certificate (OS&R) as **Exh-P.5.**
- CNICs of plaintiffs No.1 & 2 & Mst. Nazra deceased as **Exh-P.6.**
- Allotment letter (OS&R) as **Exh-P.7.**

05. On the other hand, the learned counsel for the defendant No.02 has not opted to produce any evidence nor cross-examine the PWs, however, he has relied upon on already submitted written statement.

06. Arguments heard, record has been perused. My issue wise findings are as under:-

ISSUE NO.1:-

Whether the plaintiffs are entitled to the relief of permanent & mandatory injunction, as prayed for ? OPP

07. The onus to prove this issue rested upon the plaintiffs. To discharge the same, plaintiff NO.1 as well as special attorney of plaintiff NO.2 appeared as PW-1 and categorically deposed on oath regarding the death of Lal Deen son of Ghulam Deen & Nazra wife of Lal Din, who died on 01.02.2011 & 08.06.2003 respectively and the identity of his surviving legal heirs. The testimony of PW-1 remained consistent, confidence-inspiring.

6. In addition to oral evidence, the plaintiffs produced cogent documentary evidence, including death certificate of the deceased and his Family Registration Certificates issued by NADRA, and receipts evidencing cancellation of identity records, which collectively establish both the factum of death and the lineage of the plaintiffs. These documents were produced in original, duly exhibited, and their genuineness was not disputed.

7. It is further that defendant No.1/public at large, despite due proclamation through a widely circulated daily newspaper, failed to appear and contest the suit and was accordingly proceeded ex-parte. Defendant No.2/CDA contested the suit through filing written statement. While the defendant NO.2 did not dispute the fact of the ownership plot NO.691, Sector G-11/2, Islamabad, whereafter raised

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certain legal and factual objections regarding the maintainability of the present suit. However, he did not present any evidence to substantiate these objections, which lack legal validity in the absence of supporting evidence. Furthermore, the relationship between the plaintiffs and the deceased, as well as the properties allocated in the name of the deceased Mst. Nazra, remains unchallenged.

8. Be that as it may, the objection so raised does not affect the maintainability or merits of the present suit. The instant proceedings are confined to declaration of legal heirship of the deceased Lal Deen son of Ghulam Deen & Nazra wife of Lal Din. In a suit of this nature, the Court is not required to adjudicate upon disputed questions of title, ownership, or proprietary rights in respect of specific properties. Even otherwise, mere assertion of acquisition, without proof and without a framed issue, cannot divest the plaintiff alongwith others of their status as legal heirs of the deceased persons which status flows from law and lineage rather than from ownership of any particular property.

9. It is well settled that in a suit for declaration of legal heirship, the Court is primarily concerned with determination of the legal heirs of the deceased and not with adjudication of title or ownership of specific properties. The evidence on record sufficiently establishes that the plaintiffs and other mentioned above are the legal heirs of deceased Lal Deen son of Ghulam Deen & Nazra wife of Lal Din and that no other legal heir exists.

10. It is therefore clarified that any controversy relating to acquisition, ownership, or entitlement of any specific property mentioned in the plaint is beyond the scope of the present proceedings and may be agitated by the concerned parties before a competent forum in accordance with law. The declaration of legal heirship granted herein

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shall not be construed as an adjudication upon such disputed property rights.

11. In view of the unrebutted oral and documentary evidence and the absence of any lawful impediment, it stands proved that the plaintiffs and others are the legal heirs of deceased Lal Deen son of Ghulam Deen & Nazra wife of Lal Din and that no other legal heir exists.

12. Accordingly, this issue is partially decided to the extent of only legal heirship in favour of the plaintiffs.

ISSUES NO.2 TO 4

Whether the plaintiffs have no cause of action or locus-standi to file the present suit against Defendant No. ? OPD

Whether the suit of the plaintiffs is not maintainable in its present form, hence, same is liable to be rejected ? OPD

Whether as per record of Defendant No.2 (CDA), the suit property stands allotted/transferred in the name of Ms. Nazra vide letter dated 28.12.1996 and what is its effect? OPD

13. Onus to prove these issues were placed upon defendant NO.2. However, in view of my findings of issue No.1, these issues have become redundant.

RELIEF:

14. In view of my findings on above issues, instant suit stands partially decreed to the extent of declaration in the manner that following persons are hereby declared as legal heirs of deceased Lal Deen son of Ghulam Deen & Nazra wife of Lal Deen:-

i). Muhammad Hanif S/o Lal Deen (Son).
ii). Nasreen Begum D/o Lal Deen (Daughter)

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iii) Farzana Akram D/o Lal Deen (Daughter)

iv) Hussain Muhammad Ghoursi S/o (Son)

v) Muhammad Sharif S/o Lal Deen (Son)

vi) Muhammad Ashraf S/o Lal Deen (Son)

vii) Shabana D/o Lal Deen, (Son)

If any property left by the deceased is to be devolved upon the legal heirs of deceased, the same shall be dealt in accordance with law. However, it is made clear that if any other legal heir has been concealed or has not been made party then decree shall not affect the rights of said person / legal heir. No order as to cost. Decree sheet be prepared accordingly. Mr. Shafaqat Ali, Record keeper/Ahlmad, of this court is directed to consign the case file in the record room, after its due completion/compilation.

ANNOUNCED

13.05.2026,

(MARYAM SHEHERYAR)
Civil Judge 1st Class
Islamabad (West)

Certified that this judgment consists of **eight (08)** pages and each of which has been dictated, corrected, read and signed by me.

Civil Judge 1st Class (West)
Islamabad

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