

بہدات جناب محمد عدنان قمر صاحب
سول جج درجہ اول لاہور

IN THE COURT OF SENIOR CIVIL JUDGE, LAHORE.

PB-LHR-CC.....

Presented by.....

Assigned to administrative Judge.....

And trial Judge.....

For further proceeding u/O IV-A & onward u/O

Civil Suit No. _____

1217
01
28-09-23
2023

Senior Civil Judge (Civil Division)
Lahore.

1. **SHAKIR ALI**
2. **MST. ANEE SHOUKAT** wife of Muhammad Shan (daughter)
3. **MST. ANAM BEGUM** wife of Syed Sumair Ali (daughter)
4. **MST. BISMA OMER** wife of Muhammad Omer Sadique (daughter)

Of Sheikh Shoukat Ali son of Sheikh Muhammad Sadiq, Residents of House No.1, Street No.7, Mohallah Bangali, Street Gunpat Road, New Anarkali, Lahore.

PLAINTIFFS

VERSUS

PUBLIC AT LARGE.

DEFENDANT

SUIT FOR DECLARATION OF LEGAL HEIRS.

Respectfully Sheweth:-

1. That the plaintiffs are son and daughters of Sheikh Shoukat Ali and Mst. Gulnaz Bano, Sheikh Shoukat Ali died on 02-08-2022 and Mst. Gulnaz Bano died on 25-07-2019 leaving behind the plaintiffs as only legal heirs.
2. That the father and mother of Late Sheikh Shoukat Ali and Mst. Gulnaz Bano have died earlier and Late Sheikh Shoukat Ali did not contract second marriage in his life.
3. That Late Sheikh Shoukat Ali was owner in possession of two properties which detail is as under:-

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(1) A shop bearing property No.7/C/11, measuring 01-Marla, situated at Ehata Qadir Bux Market, Gawalmandi, Lahore, property is falling in the Excise & Taxation Department as Rating Area-LHRV-Zone-10, Circle: Gawalmandi, Locality: Ehata Qadir Bux Market, Locality Code: S-49-R, Old Reference Number LHR-Zone-10-S-49-R-10100-01-7/C/11. The deceased was owner of $\frac{1}{2}$ share only from the total property.

(2) A shop bearing property No.7/C/12, measuring 2-1/2-Marlas (61-Sq.Yds), situated at Ehata Qadir Bux Market, Gawalmandi, Lahore, property is falling in the Excise & Taxation Department as Rating Area-LHRV-Zone-10, Circle: Gawalmandi, Locality: Ehata Qadir Bux Market, Locality Code: S-49-R, Old Reference Number LHR-Zone-10-S-49-R-10100-01-7/C/12. The deceased was owner of $\frac{1}{2}$ share only from the total property

4. That the plaintiffs are the only legal heirs of deceased but the properties are still existing / lying in the name of Late Sheikh Shoukat Ali.

5. That plaintiffs being legal heirs approached the concerned departments for the transfer of ownership in their names but the concerned departments are reluctant to change the ownership rights in the names of the legal heirs in absence of any order or decree from any civil court of competent jurisdiction, hence this suit.

6. That the cause of action accrued in favor of the plaintiffs and against the defendant on dated 02-08-2022 when Late Sheikh Shoukat Ali died and lastly a week ago when the concerned departments refused to change the ownership rights in the names of the legal heirs, which is still continue.

7. That the plaintiffs are residing at Lahore and the properties owned by deceased person are also situated at Lahore, where the cause of

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share of shop bearing No.7/C/12, measuring 2 ½ Marlas (61-Sq.Yds) situated at Ehata Qadir Bux Market, Gawalmandi, Lahore property is falling in the Excise & Taxation Department as rating Area-LHRV-Zone-10, circle Gawalmandi, locality Ehata Qadir Bux Market, locality Code S-49-R, old reference No.LHR-Zone-10-S-49-R-10100-01-7/C/12. The plaintiffs are the only legal heirs of the deceased Sheikh Shoukat Ali and Mst. Gulnaz Bano. The plaintiffs approached the concerned department for transfer of ownership in their names but the concerned departments asked the plaintiffs to obtain a declaratory decree from the court, hence, this suit.

2. Defendant / public at large was summoned but none appeared on its behalf, therefore, defendant / public at large was proceeded ex-parte.

3. In evidence, plaintiff No.1 appeared as PW-1 and produced Muhammad Ismail as PW-2. In documentary evidence, the plaintiffs tendered death registration certificate of the Sheikh Shoukat Ali as Ex.P1, death registration certificate of the Gulnaz Bano as Ex.P2, FRC as Ex.P3, Forms PT1 as Ex.P4 & Ex.P5 and thus evidence of the plaintiffs was complete.

4. Arguments heard and record perused.

5. Perusal of record shows that plaintiff No.1 appeared as PW-1 reiterated the contents of the plaint. PW-2 also deposed in line with the statement of the PW-1. The claim of the plaintiffs remained un rebutted. Plaintiffs by oral as well as documentary evidence have

کولٹ فیس
Court Fee

FOR OFFICE USE

42982

2023

Institution No: PB-LHR- CC

Category of Case: کول

Sub Category: التمنہ در حق

Jurisdiction of Case: F

Date of Institution: 20-09-2023

Date of Appearance: 20-09-2023

Presented by: التمنہ در حق

Assigned To: Administrative Judge

Court Room No: 100

Assigned To: Senior Trial Judge

Court Room No: 40

System No: 21821123

Admn Court Reg. No: _____

Trial Court Reg. No: _____

Consignment No: _____

Consignment Date: _____

1 کیا فریقین میں سے کس کا کیس:

کسی عدالت میں زیر تجویز ہے

2 اگر ہے تو کس عدالت میں

3 اگر فیصلہ ہو چکا ہے تو کس عدالت سے

اور کب

Counsel / Petitioner Signature

Signature & Stamp of Senior Civil Judge, Lahore.

Title of the Case

Party Name (Petitioner/Plaintiff) 1:-

CNIC NO: _____

Name of Counsel: Athar Anwar Bin

CELL NO: _____

Cell No of Counsel: 0300-4378184

E.MAIL ADDRESS (If Any): _____

Party Name (Respondent/Defendant) 1:-

CNIC NO: _____

Name of Counsel: _____

CELL NO: _____

Cell No of Counsel: _____

E.MAIL ADDRESS (If Any): _____

CHECK LIST

YES	NO		
		فریقین کے مکمل نام، ولدیت، پتہ جات و موبائل فون نمبرز + E-mail ID	1
		نقولات عرضی دعویٰ بمطابق تعداد مدعا علیہم + اضافی نقولات	2
		تمام منسلک دستاویزات کی نقولات برائے مدعا علیہم (زیر حکم 17 اعدہ 14)	3
		فہرست وار نان مدعی	4
		سوالنامہ فارم مندرجہ فارم 14 ایسکس C ض د	5
		اگر مدعی نا بالغ یا فاقر العقل ہے تو کیا قانونی سرپرست مقرر کیا گیا ہے	6
		اگر مدعا علیہ نا بالغ یا فاقر العقل ہے تو کیا گارڈین مقرر کیا گیا ہے	7

action accrued, so this Honorable Court has got jurisdiction to adjudicate upon the matter.

8. That the value of the suit for the purposes of jurisdiction of court is fixed at Rs.500/- which is exempted.

PRAYER

It is, therefore, most respectfully prayed that the title suit may kindly be decreed to the effect that the plaintiffs are the only legal heirs of Late Sheikh Shoukat Ali who died on 02-08-2022 and Mst. Gulnaz Bano who died on 25-07-2019.

It is further prayed that the concerned departments may kindly be directed to change the ownership rights of the above mentioned properties in the names of plaintiffs in their respective register of rights.

Any other ancillary relief which this Honorable Court deems fit may also be awarded to the Plaintiffs.

میں نے نشان بیکور کر



Through

PLAINTIFFS

ATHAR MANSOOR BUTT
Advocate High Court
Athar Law Associates
Office No.4, Legal Arcade,
5-Mozang Road, Lahore.

VERIFICATION:-

Verified on oath at Lahore on this 20th day of September, 2023 that the contents of the Para No. 1 to 5 are true and contents of the remaining Paras are correct to the best of my knowledge and belief.

PLAINTIFF NO.1

established their stance. In view of above, the instant civil suit is hereby decreed to the effect that the plaintiffs are legal heirs of the deceased Sheikh Shoukat Ali and Mst. Gulnaz Bano. Regarding suit properties concerned department is directed to act as per law and regulations subject to payment of dues (if any) and subject to all legal exceptions. However, this judgment shall have no effect upon rights of any person, who claim title against the title of deceased and shall also have no effect upon rights of any other legal heir, if concealed by plaintiffs. This judgment shall also have no effect if the suit properties are alienated by deceased during his lifetime or has defected title. No order as to cost. Decree sheet be prepared accordingly. Muhammad Waseem, Ahlmad of this Court is directed to consign the file to record room after its due completion and compilation.

Announced:
10.10.2023

Wajiha Khawaj Chaudhary
Civil Judge 1st Class
Lahore

It is certified that this judgment consists of three pages which have been dictated, read, corrected and signed by me.

Dated:
10.10.2023

Wajiha Khawaj Chaudhary
Civil Judge 1st Class
Lahore

**IN THE COURT OF WAJIHA KHAWAJ CHAUDHARY
CIVIL JUDGE 1ST CLASS, LAHORE**

Civil Suit No.640 - 1 / 2023

Date of Institution: 20.09.2023

Date of Decision: 10.10.2023

1. Shakir Ali (son)
2. Mst. Anee Shoukat wife of Muhammad Shan (daughter)
3. Mst. Anam Begum wife of Syed Sumair Ali (daughter)
4. Mst. Bisma Omer wife of Muhammad Omer Sadique (daughter)
Of Sheikh Shoukat Ali son of Sheikh Muhammad Sadiq, residents
of House No.1, Street No.7, Mohallah Bangali, Street Gunpat
Road, New Anarkali, Lahore.

...Plaintiffs

V E R S U S

Public at large.

...Defendant

SUIT FOR DECLARATION.

JUDGMENT.-

Brief facts of this case as enumerated in the plaint are that the father of the plaintiffs namely Sheikh Shoukat Ali died on 02.08.2022 and the mother of the plaintiffs namely Mst. Gulnaz Bano died on 25.07.2019. The parents of the deceased Sheikh Shoukat Ali and Mst. Gulnaz Bano have already been died. The deceased Sheikh Shoukat Ali was owner in possession of properties (i) ½ share of shop bearing property No.7/C/11, measuring 01-Marla, situated at Ehata Qadir Bux Market, Gawalmandi, Lahore, property is falling in the Excise & Taxation Department as rating Area-LHRV-Zone-10, Circle Gawalmandi, Locality Ehata Qadir Bux Market, Locality Code S-49-R, old reference No.LHR-Zone-10-S-49-R-10100-01-7/C/11. (ii) ½