

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Justice Qazi Faez Isa, CJ  
Justice Naeem Akhtar Afghan  
Justice Shahid Bilal Hassan

(APR)

**Civil Petition No. 4576 of 2023**

(Against the judgment dated 03.10.2023 of the  
Lahore High Court, Rawalpindi Bench passed in  
Civil Revision No. 100 of 2010)

Mst. Aksar Jan and others. ... Petitioners

Versus

Mst. Shamim Akhtar and others. ... Respondents

For the Petitioners: Mr. Iftikhar Ahmad Bashir, ASC.  
a/w Pervez Akhtar, Petitioner No. 4.

For Respondent No. 1  
And L.Rs of R.No.3: Mr. M. Atif Farzauq Raja, ASC.

Date of Hearing: 25.09.2024.

**ORDER**

**Qazi Faez Isa, CJ.** This petition for leave to appeal assails order dated 3 October 2023 of the High Court passed on a civil miscellaneous application submitted in Civil Revision No. 100 of 2010.

2. A simple matter of inheritance has been unduly complicated. The dispute between the parties was with regard to the inheritance of a Muslim man of the sunni sect, namely, Meherban, who died on 26 June 1998, leaving behind two widows, namely, Mst. Aksar Jan (petitioner No. 1) and Mst. Shamim Akhtar (respondent No. 1) (collectively referred to as **'the widows'**). An attempt to deprive the widows from their inheritance was made through two gift mutations purportedly made by their husband Meherban. He is supposed to have gifted his entire land holding just a few days before his death to the petitioners No. 2 to 6 who are the nephews of Mst. Aksar Jan.

3. Mst. Shamim Akhtar filed a suit in 1999 seeking to obtain her inheritance, which the Appellate Court decreed on 16 January 2010. Civil

Revision No. 100 of 2010 was filed challenging the decree. The petitioners made an attempt to show that Mst. Shamim Akhtar had given up her claim/right to inheritance by preparing an undated *Razi Nama* (agreement), which commenced by stating that it was being executed on behalf of Mst. Aksar Jan through her special attorney, namely, Muhammad Farooq son of Ch. Sultan Khan, but the same was not signed by him. A fingerprint or thumb impression purporting to be that of Mst. Shamim Akhtar was affixed on it. However, no consideration was given to Mst. Shamim Akhtar or received by her for executing the *Razi Nama* and giving up the claim to her inheritance. For the sake of argument, if it be assumed that Mst. Shamim Akhtar had executed the *Razi Nama* it was wholly without consideration which would make it inconsequential. However, it was tendered to the Court and the learned Judge without ensuring that Mst. Shamim Akhtar had executed it with knowledge of its contents assumed that all of a sudden she had surrendered her rights for which she had filed a suit.

4. On its part the High Court did not attend to the main issue, which was the denial of inheritance, and instead concerned itself with peripheral matters. It is now the twenty-fifth year since Mst. Shamim Akhtar, a widow, has been struggling to get her inheritance. Bogus gift mutations were made and dated just before the passing of her husband and then the bogus *Razi Nama* emerged. There is yet another serious aspect of the case, which is that Mst. Aksar Jan joined hands with her nephews, the petitioners No. 2 to 6, even though she stood deprived of her own share in the inheritance of her husband; this constituted a clear conflict of interest which regrettably the petitioners' counsel did not consider.

5. The inheritance shares in the estate left by a Muslim is stipulated in the Holy Qur'an and a deceased's legal heirs become owners on his/her death. Unfortunately, and all too often, females continue to be deprived of their inheritance by employing various nefarious tactics, bogus documentation, fraudulent statements with the facilitation of Revenue department officials and some advocates. The courts too at times are not vigilant enough to protect inheritance rights, particularly of females and other vulnerable members of society. And, simple cases such as this one are not expeditiously decided, and when they do get decided the decision is assailed. The practice of depriving females of their inheritance must be put

a stop to, and those who do so must be made to pay substantial costs and not be permitted to benefit from procedural technicalities.

6. A simple matter has been dragged out for twenty-five years on account of fake documents prepared and fraudulent tactics employed by the petitioners and their advocates. They fear not *shariah* nor the law. The impugned judgment overlooked the merits of the case and on a technicality again remanded the case, which in the circumstances of the case was wholly unjustified.

7. Therefore, we set aside the impugned judgment and the orders passed by the High Court in Civil Revision No. 100 of 2010 and restore the judgment and decree dated 16 January 2010 passed by the Additional District Judge, Rawalpindi in Civil Appeal No. 87 of 2007. The petitioners No. 2 to 6 (Muhammad Mumraiz, Muhammad Farooq, Parvez Akhtar, Javaid Akhtar and Abid Zaheer) are directed to pay five hundred thousand rupees as costs to Mst. Shamim Akhtar (respondent No. 1) within three months from today, failing which the said amount shall be recovered from them as arrears of land revenue. Copy of this order be sent to the concerned revenue authorities who are directed to implement judgment of the Additional District Judge, Rawalpindi dated 16 January 2010 and this order, and they should ensure that the estate of Meherban is distributed amongst his legal heirs in accordance with Islamic *shariah* immediately, and to submit compliance report to the Senior Member Board of Revenue.

8. This petition is converted into an appeal and allowed in the aforesaid terms.

Islamabad:  
25.09.2024  
(M. Tauseef)

Approved for reporting