

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

**Present:**

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

**Civil Petition No. 284-P of 2012**

*(Against the judgment 23.04.2012 of the Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat passed in Civil Revision No. 461/2011)*

*Bakht Biland Khan and others.* ... *Petitioners*

Versus

*Zahid Khan and others.* ... *Respondents*

For the Petitioners: Mr. Atlas Khan Dagai, ASC.  
*(Through video-link from Peshawar)*

For the Respondents: Not represented.

Date of Hearing: 30.09.2024.

**ORDER**

**Qazi Faez Isa, CJ.** The learned counsel for the petitioners states that Shah Jehan died on 17 August 1988 and after his death Inheritance Mutation No. 1164, which was attested on 31 July 1997 and recorded in the revenue records. The Inheritance Mutation included the daughters of Shah Jehan. Learned counsel submits that Shah Jehan had in his lifetime gifted some cash and gave dowry to his daughters, therefore, his daughters should have been excluded from the Inheritance Mutation and from inheriting Shah Jehan's estate.

2. The petitioners filed a suit assailing the said Inheritance Mutation and sought to exclude the daughters of Shah Jehan. The suit was dismissed on 15 September 2010. Not being satisfied with the dismissal of the suit, the petitioners filed an appeal which was dismissed on 25 January 2011. The petitioners continued to challenge the daughters right to inheritance and the Inheritance Mutation by filing a civil revision against the two current decisions of the subordinate courts, which were upheld, and through the impugned judgment the civil revision was dismissed on 23 April 2012.

3. Upon our query as to who is in possession of the daughters' share in the subject land the learned counsel stated that the petitioners have retained its possession. Upon our further query whether the petitioners contention accords with Islamic *Shariah*, the learned counsel stated that the courts had not attended to the fact that Shah Jehan had made the said gifts to his daughters, therefore, they were excluded from his estate. This novel proposition is completely against the *Shariah* and the law of Pakistan.

4. This is yet another classic case of brothers' depriving their sisters of their inheritance, and did so for decades. The frivolous litigation initiated by them was undoubtedly encouraged by the fact that substantial costs were not imposed on them for putting forward an untenable claim. And, because the revenue authorities were not directed to ensure that the shares of all the legal heirs are recorded and no legal heir is deprived of his/her share. The brothers deprived their sisters share in the inheritance of their father and filed a baseless case and then dragged it out over decades, which has eventually come before this Court, the fourth and last court in the hierarchy. Precious court time has been wasted. It is intolerable to deprive vulnerable persons and females of their legal rights.

5. This petition should never have been filed because it proposes to undo *Shariah* and law. Therefore, leave to appeal is declined and this petition is dismissed with costs in the sum of five hundred thousand rupees, to be paid by the petitioners, which they should deposit with the concerned revenue authority within three months and such authority shall distribute the same amongst those who have been deprived. If the said amount is not deposited it shall be recovered as arrears of land revenue and distributed in like manner. The revenue authorities are further directed to ensure that the estate of late Shah Jehan is distributed amongst all his legal heirs in accordance with their shares prescribed by *Shariah*. Copy of the order passed today be sent to the concerned revenue authorities who shall submit compliance report to the Member, Board of Revenue. Copy of the order be also sent to the respondents.

Chief Justice

Judge

Judge

Islamabad:  
30.09.2024  
(M. Tauseef)

Approved for reporting