

Order Sheet

IN THE HIGH COURT OF SINDH, KARACHI

SMA No. 199 of 2017

Date	Order with signature of Judge
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Nuzhat Jamila
widow of Liaquat Ali Petitioner

In the matter of:
Liaquat Ali
son of Shamshad Hussain Deceased

Date: 01.03.2018

Mr. Asim Ali, Advocate for the Petitioner

ADNAN IOBAL CHAUDHRY, J.- Per the diary/order dated 01.02.2018 of the Deputy Registrar (O.S.), he has satisfied himself that all requisites to the hearing of the main petition, including its publication, have been fulfilled and no objection thereto has been received. I, therefore, proceed to deal with the main application.

This is an application under Sections 278 and 372 of the Succession Act 1925 praying for Letters of Administration and Succession Certificate in respect of the estate of late Liaquat Ali son of Shamshad Hussain (hereinafter 'the Deceased'), who passed away intestate at Karachi on 05.08.2015 where he last resided. The petitioner is the widow of the Deceased. The death certificate of the Deceased is on the record. Per the application, at the time of his demise, the Deceased was and continues to be survived by the following legal heirs, all of whom are adults:

1. Nuzhat Jamila, widow, the petitioner
2. Najam Us Sahar, daughter
3. Furquan Liaquat, son
4. Muhammad Hassan Liaquat, son

A Family Registration Certificate (FRC) issued by NADRA on 15.08.2015 is on record to demonstrate the kinship between the Deceased and the said legal heirs.

The estate of the Deceased for which this application is filed, is listed in a Schedule dated 19.07.2017 (at page 17) which comprises of both immovable properties and securities (shares in companies). Copies of documents of the immovable properties are on record, and per the

Nazir's Report dated 26.12.2017 these have been verified to be the properties of the Deceased. As regards the securities, which comprise of shares in certain listed companies, the petitioner has filed a statement of the stock broker showing the portfolio of shares held by the Deceased. On the query of the Court, the petitioner's counsel submitted that such shares are lying in electronic form in a CDC Account, but since the Central Depository Company requires a Succession Certificate also to issue a statement of the CDC Account of the Deceased, the petitioner is unable to procure one.

The petition is supported by the affidavit of the petitioner and the other legal heirs (Najam Us Sahar, Furqan Liaquat, Muhammad Hassan Liaquat) have filed affidavits of no-objection to the grant of the application. Affidavits of third-party witnesses namely, Mr. Najamuddin son of Qazi Shamsuddin and Mr. Adeel Askery, are on record attesting to the contents of the petition. All had appeared before the Affidavit & Identity Branch of this Court to give affidavits. The presence in Court of the legal heirs, except Najam Us Sahar, and the third-party witnesses was recorded in the order dated 21.2.2018. Najam Us Sahar resides out of Karachi, but a Power of Attorney executed by her in favor of the petitioner is on record. In any case, she had appeared in person before the Affidavit & Identity Branch of this Court.

In view of the foregoing, I see no impediment to the grant of this petition. Therefore, issue Letters of Administration and Succession Certificate to the petitioner **as per Rules** for the purposes of effecting mutation of the immovable properties of the Deceased listed in the Schedule dated 19.07.2017 (at page 17) to the names of the legal heirs mentioned above; and for effecting transmission of securities (shares) listed in the said Schedule to the legal heirs mentioned above, both in accordance with shares prescribed to them under Muhammadan Law. If after transmission of the securities (shares) as aforesaid, any securities (shares) remain incapable of division, the same be sold and its proceeds distributed amongst the legal heirs in accordance with law.

Main petition stands granted in the above terms.

JUDGE