

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

S.M.A. No.35 of 2018

Date	Order with signature of Judge
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For orders on CMA No.347/2018

16-02-2018

Mr.Abdul Majeed Khoso, Advocate for the Petitioner.
Petitioner Reshma Bai is also present along with legal heirs
Dheeraj Thakur and two minors Akansha Thakur and Ranesh
Thakur.

Two witnesses Anand Kumar and Santoosh Kumar are also
present in person.

Urgent application filed by the petitioner is granted.

Learned counsel pointed out that along with main petition he
earlier filed an application under Order 32 Rule 3 CPC for
appointment of Guardian Ad-Litem for minor namely, Ranesh
Thakur, but he missed to mention another name of minor
Akansha Thakur, therefore, he requested that the earlier
application may be dismissed as not pressed and now he has
filed fresh application CMA No.364/2018 in which he has
mentioned both minors and requests that the petitioner may
be appointed Guardian Ad-Litem, as she is real mother of
both the minors who has no adverse interest against them.
The application is allowed. The petitioner is appointed
Guardian Ad-Litem of Akansha Thakur and Ranesh Thakur.
Now the the main petition is taken up for hearing.

The Deputy Registrar (O.S) submitted his report on 8.2.2018,
which shows that publication of main petition had effected in
daily Jang, Karachi and Kawish dated 25.01.2018 but nobody
has filed any objection against this petition.

Learned counsel submits that earlier affidavits of two
witnesses Washu son of Mohan Lal and Santoosh Kumar son

of Tharo Mal were filed but at present Washu son of Mohan Lal is not in Town, so he has filed affidavit of Anand Kumar. Both witnesses Anand Kumar and Santoosh Kumar are present in court. They have deposed in their affidavits that they knew deceased Jiwan Das son of Bano Mal and his family and they have testified the names of legal heirs in the affidavits to be true and correct.

Since there is no impediments in granting this petition, therefore, this petition is allowed with the directions to issue letter of administration as per rules.

So far as the succession certificate is concerned, learned counsel submits that the moveable properties are mentioned in the schedule of property i.e. Honda City Car and Honda Civic Car both are in use of legal heirs and they do not want to sell it right now. However, for the Bank Accounts and the investment mentioned at Sr.Nos.5 to 8 and shares of Engro Power Gen. Qadirpur Ltd. at Sr.No.9 the learned counsel submits that this responsibility may be given to Nazir of this court to withdraw the amount from the accounts lying in the Banks and the investment made by the deceased in Al-Meezan Investment Management Ltd. and the petitioner will also deposit the shares of Engro Power Gen. Qadirpur Ltd. with the Nazir of this court within a week.

After submitting the details of accounts and original shares as well as the documents proving the investment made by the deceased in Al-Meezan Investment Management Ltd., the Nazir will encash the amount and distribute the same amongst major legal heirs. So far as the shares of minors are concerned, the Nazir shall retain this amount with him and invest the same in some Government Profit Bearing Scheme. The petition is disposed of. However, it is clarified that if the petitioner being Guardian Ad-Litem wants to release profit on

the invested amount for the welfare of the minor she may apply to the court accordingly. For the transfer of vehicles in the name of petitioner, she may also approach to the Nazir and after complying with all requisite formalities, the Nazir shall also contact the Excise & Taxation Department for transfer of vehicles mentioned in the petition in the name of petitioner in accordance with law.

Judge

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