

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI

SMA No. 54/2014

Date	Order with signature of Judge
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1. For hearing of CMA No. 683/2015.
2. For hearing of CMA No. 684/15.
3. For hearing of CMA No. 1213/15.
4. For hearing of CMA No. 539/18..

09-04-2019

Mr. Shahzad Saleem Khan, Advocate for the petitioner.
Mr. Muzammil Soomro, Advocate for the Objector (Sarwat Butt).
Mr. Javed Iqbal, Advocate for applicant

1-3 The learned counsel for the applicants /objectors does not press these applications which are accordingly dismissed as not pressed.

4- Through this application, the applicant namely Aneela Butt, one of the legal heirs, seeks rectification of error occurred in the Order dated 05.05.2014, passed by this Court. Per learned counsel for Applicant, the property was wrongly mentioned in the Memo of Petition as property of the deceased whereas the said property viz. Flat No. G-1, Al-Arz Homes, F-165, Block-3, PECHS, Karachi was gifted by the deceased to the Applicant during his life time. Learned submits that pursuant to the directions contained in order dated 21.5.2014 and 09.3.2016 the Nazir submitted his report wherein in para 7 of the said report corroborates the stance of the applicant. Learned counsel for the petitioner as well as petitioner present in court extend their no objections to the grant of this application. Learned counsel for the applicant also extend no objection to the grant of this application. Upon query of the Court that upon execution of the letter of administration the properties of the deceased have been mutated in the name of the legal heirs. Learned counsel for the applicant as well as the petitioner submit that this property could not be mutated except the property which is in the name of Mst. Aneela Butt and the rest of the properties have been mutated in the names of the legal heirs. Since the letter of administration has already acted upon therefore, the said property has not been mutated in the name of the legal heirs, the purposes of applicant will be served if in the event the title documents of the property is handed over to Mst. Aneela Butt which is lying with the Nazir as surety. In the

circumstances and in the interest of justice this application is disposed of with the directions to the Nazir of this Court may not be treated this property of the deceased and the documents filed as surety be handed over to the applicant upon proper verification and identification.

JUDGE

M.Tahir/PA.