

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

SMA No. 64 of 2019

Date	Order with signature of Judge
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BEFORE:

Mr. Justice Arshad Hussain Khan.

Mazhar Iqbal Petitioner

Abdus SalamDeceased.

12.04.2019

Mr. Asjat Sattar, advocate for the petitioner
alongwith petitioner, legal heir and witnesses.

ARSHAD HUSSAIN KHAN, J. The petitioner through the instant SMA seeks grant of Succession Certificate as well as Letter of Administration in respect of movable and immoveable properties left by deceased Abdus Salam w/o Muhammad Maqbool Ali who died on 24.12.2018 at Karachi. The deceased died intestate and at the time of his death left behind the following legal heirs:

Sr. No.	Name	Relation	Age
1	Zafar Iqbal	Son	58
2	Mazhar Iqbal (Petitioner)	Son	54
3	Rifat Iqbal	Daughter	48

2. Legal heir No. 2 is the petitioner and son of deceased. Whereas legal heirs from Sr. No. 1 and 3 are son and daughter of the deceased. The legal heir of the deceased at serial No. 1 has executed special power of attorney in favour of the Mazhar Iqbal, the petitioner and have sworn their respective affidavits of consent / no objections for the grant of the present SMA in favour of the petitioner.

3. The affidavits of two independent witnesses namely, (1) Muhammad Javed Qasim s/o Abdul Qasim and (2) Muhammad Manzar Alam s/o Muhammad Rafiullah are also available on record, which support the contention of the petitioner.

4. The legal heirs and the independent witnesses have appeared in Court have admitted and acknowledged the contents

of their respective affidavits of no objection in favour of the petitioner.

5. The deceased at the time of his death left behind the only immovable properties which are mentioned in the **Schedule of Properties (at Page 17 - 21 of this petition)**. Record also shows that the publication of the main petition has been effected in **“Daily Jang”** Karachi dated 21.02.2019 but none has appeared and filed any Objection in this regard. Hence, the matter has emerged as non-contentious one, therefore, in my opinion, there is no legal impediment to grant the present SMA. Accordingly, this SMA is allowed as per rule. However, since the matter has remained non-contentious one, therefore, the petitioner at liberty to deposit original title documents of the property in the instant proceeding as surety for issuance of letter of administration and in so far as the succession certificate is concerned, same may be issued upon upon furnishing P.R. Bond in the like amount.

The instant SMA is disposed of.

JUDGE

M.Tahir/PA.