

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
S.M.A. NO. 58/2019

Date	Order with signature of Judge
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**BEFORE:**  
**Mr. Justice Arshad Hussain Khan.**

Homi Jehangirji Kaikoabad & others ..... Petitioners  
Dolly Homi Kaikoabad ..... Deceased

FOR HEARING OF MAIN CASE

10.04.2019.

Mr. Jalal Krim advocate for petitioner  
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**ARSHAD HUSSAIN KHAN, J.-** The petitioners through the instant SMA seeks grant of letters of administration in respect of immovable property left by deceased Dolly Homi Kaikoabad who died on 08.05.2010 at USA. The instant petition has been filed through duly constituted attorney of petitioners namely; Pir Asad Bacha s/o Liaqat Ali. The deceased died intestate and at the time of his death left behind the following legal heirs:-

1.	Homi Jehangirji	Widower
2.	Vera Homi Kaikobad	Daughter
3.	Armin Homi Kaikobad	Daughter

The attorney of legal heirs is the petitioner is present. All the legal heirs have filed their respective affidavits of no objection in favour of petitioner. Legal heirs No.4 has executed Power of Attorneys in favour of the petitioner.

3. The General Power of Attorney in favour of the petitioner duly attested by Assistant Private Secretary Consulate General of Pakistan, Los Angeles and affidavits of two independent witnesses namely, (1) Liaqat Ali

s/o Abbas Khan and (2) Pir Jamil Khan s/o Pir Ajab Khan are also available on record, which support the contention of the petitioner.

4. The attorney of petitioners and independent witness are present 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 property which is mentioned in the **Schedule of Property (at 23 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 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 this matter is non-contentious one, therefore, the petitioner would be at liberty to deposit the original title documents of the immovable property of the subject proceedings with the Nazir of this Court as surety as well as execute personal bond in the like amount for issuance of letter of administration.

The instant SMA No.58/2019 is disposed of.

JUDGE