

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

SMA No. 128 of 2018

Date	Order with signature of Judge
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BEFORE:

Mr. Justice Arshad Hussain Khan.

Mrs. Sumera Malik Petitioner

Mr. Shaheen Niazi Malik.Deceased.

08.04.2019

Ms. Zahrah Sehr Vayani, advocate for the petitioner
alongwith petitioner and witnesses.

ARSHAD HUSSAIN KHAN, J. The petitioner, through the instant SMA, seeks grant of Letter of Administration in respect of 25% share in ***immovable property*** bearing House No. 1-A, 14th South Stree, DHA, Phase-II, Karachi and of Succession Certificate in respect of ***movable properties*** i.e. amount lying in three banks accounts viz. (i) Nos. 22657200553501 maintained at H.B.L. Khye-Hafiz Branch, Karachi, (ii) 1020-0981-017484-01-9 maintained at Bank Al Habib Limited, Korangi Road Branch, Karachi and (iii) 1020-0078-009511-01-2 maintained at Bank Al Habib Limited, Korangi Road Branch, Karachi available at pages No.299 to 301. (The banks certificates showing account balance available at pages 279 to 301 annexure I, J and J/1 in the court file), left by deceased Mr. Shaheen Niazi Malik s/o Niazi Malik, who died on 10.02.2018 at Karachi. The deceased died intestate and at the time of his death left behind the following legal heirs:

S. No.	Name	Relationship	Share	Share percentage
1	Mrs. Sumera Malik.	Wife	1/8	12.%
2	Mrs. Sharmin Zain Haroon	Daughter	7/40	17.5%
3	Mr. Niazi Malik	Son	7/20	35%
4	Mr. Ali Malik	Son	7/20	35%

2. Legal heir No. 1 is the petitioner is the wife of the deceased. Whereas legal heirs from Sr. No. 2, 3 and 4 are sons and daughter respectively of the deceased. The legal heirs of the deceased at serial No. 2, 3 and 4 have sworn their respective affidavits of no objections for the grant of the present SMA in favour of the petitioner.

3. The affidavits of two independent witnesses namely, (1) Shams Shakeel Samson s/o Shakeel Samson and (2) Muhammad Ali s/o Muhammad Israr Ansari are also available on record, which support the contention of the petitioner.

4. All the independent witnesses have appeared before 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 and immovable properties which are available on r record. Record also shows that the publication of the main petition has been effected in “**Daily Jang**” Karachi dated 16.11.2018 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.

The instant SMA is disposed of.

JUDGE

M.Tahir/PA.