

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**SMA No. 346 of 2017**

Date	Order with signature of Judge
------	-------------------------------

**BEFORE:**

**Mr. Justice Arshad Hussain Khan.**

Mst. Rehana Shakoor ..... Petitioner

Abdul Shakoor Mughal .....Deceased.

**08.04.2019**

Mr. Nazim Baig, advocate for the petitioner  
-----

**ARSHAD HUSSAIN KHAN, J.** Learned counsel for the petitioner submits that in compliance with the order passed by this court on 13.02.2019, whereby the legal heir namely; Mst. Aliya Azhar a resident of Canada, has sent an e-mail to MIT-II of this Court wherein she confirms that during her visit to Pakistan she had executed Special Power of Attorney in favour of the petitioner and further she has no objection in the event if the present SMA is granted in favour of the petitioner. In this regard, the MIT-II has submitted his report dated 19.03.2019, which is taken on record. From the report it appears that the direction of this court as contained in the order dated 15.08.2018 and 13.02.2019 have been complied with, therefore, it appears that there is no impediment in allowing this SMA.

Through this SMA, the petitioner seeks to issue letter of administration in respect of movable property as shown in the schedule of property (Page 17). The deceased Abdul Shakoor Mughal who died on 01.07.2016 at Islamabad. The deceased died intestate and at the time of his death left behind the following legal heirs:

SNo	NAME	RELATION	D.O.B
1.	Mst. Rehana Shakoor (Petitioner)	Window	1948
2.	Ayesha Muzaffer	Daughter	1977
3.	Alia Azhar	Daughter	1982

2. Legal heir No. 1 is the petitioner is the widow of the deceased, whereas legal heirs from Sr. No. 2 and 3 are daughters of the deceased. The legal heirs of the deceased at serial No. 2 and 3 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) Syed Zahid Hussain Jafri s/o Syed Hamid Hussain Jafri and (2) Surriya Jamal Raza w/o Syed Hussain Raza are also available on record, which support the contention of the petitioner.

4. 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 11.05.2018 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. Let the succession certificate be issued upon furnishing P.R. Bond in the like amount.

The instant SMA is disposed of.

JUDGE

**M. Tahir/PA.**