

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
SMA No.74 of 2019

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

Muhammad Shafiq Khan ..... Petitioner

Mst. Ismat Zehra ..... Deceased.

25.04.2019

Mr. M. Iqbal Qurehi advocate for the petitioner

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**ARSHAD HUSSAIN KHAN, J.-** The petitioner through the instant SMA seeks grant of letter of administration in respect of immovable property left by deceased Mst. Ismat Zehra wife of Muhammad Shafiq Khan who died on 19.07.2015 at Karachi, leaving behind the following legal heirs:-

1.	Muhammad Shafiq Khan (petitioner)	Husband
2.	Muhammad Noman Khan	Son
3.	Muhammad Rehan Khan	Son
4.	Muhammad Furqan Khan	Son
5.	Nida Khan	Daughter

2. In the present petition, the surviving legal heir No.1 above is husband and the petitioner as well. The legal heirs No.2 to 5 are sons and daughter of the deceased, have filed their respective affidavits of No Objection to grant of present petition in favour of petitioner.

3. The affidavits of two independent witnesses namely; (1) Muhammad Ali Omar Khan son of Shakeel Ahmed Khan and (2) Asif Hussain son of Tahir Hussain are also available on record, which support the contents of the petition. Legal heirs No.2 & 3 also executed their general power of attorney in favour of petitioner.

4. A report of Deputy Registrar (O.S) is also available on record with regard to the proceedings before him.

5. The legal heirs and the independent witnesses present in Court have admitted and acknowledged the contents of their respective affidavits of No Objection in favour of the petitioner.

6. The deceased at the time of his death left behind immovable, detail whereof is mentioned in the Schedule of Property (at Page 15). Record also shows that the publication of the main petition has been affected in "Daily Jang Karachi dated 27.02.2019 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 immoveable 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.

SMA No.74 of 2019 is allowed in above terms.

JUDGE