

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**SMA No.158 of 2018**

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

Zehra Alam ..... Petitioner

Vs.

Mansoor Alam. .... Deceased

19.04.2019

Mr. Manzar Bashir advocate for the petitioner  
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**ARSHAD HUSSAIN KHAN, J:** The petitioner through the instant SMA seeks grant of letters of administration and succession certificate in respect of immovable and movable property, left by deceased Mansoor Alam son of (late) Syed Muhammad, who died intestate on 16.10.2017 in City of Westminster, UK, and at the time of his death he left behind his widow and three daughters. Since the deceased did not have any male issue, therefore, alongwith his widow and daughters the deceased's brothers and sisters were also listed as his legal heirs, the names of all the legal heirs of the deceased are as follows:-

Sr. #	Name of legal heirs	Relationship with deceased
01	Mrs. Zehra Alam	Widow
02	Ms. Fariah Alam	Daughter
03	Ms. Saba Alam	Daughter
04	Ms. Madiha Alam	Daughter
05	Mehboob Alam	Brother
06	Faiz Alam	Brother
07	Mrs. Noor Jahan Jaffri	Sister
08	Mrs. Naseema Pasha	Sister
09	Mrs. Shameema Jaffri	Sister

2. The legal heir at Sr. No.1 is the widow of deceased and petitioner as well. The legal heirs No.2 to 4 are daughters, legal heirs No.5 & 6 are

brothers, whereas legal heirs No.7 to 9 are sisters of the deceased. The legal heirs No.2 to 5 and 7 to 9 have executed power of attorneys and have also sworn their respective affidavits of no objection in favour of the petitioner in respect of grant of instant SMA. While, per learned counsel, the legal heir No.6 has disappeared and a missing person. Per learned counsel, there are also no spouses of said legal heir No.6. Per learned counsel, that neither legal heir No.6 is in petitioner`s contact nor his whereabouts are traceable. Learned counsel submits that, in the above circumstances, the share of said legal heir No.6 may be dealt with by Nazir of this Court in accordance law/rules.

3. The affidavits of two independent witnesses namely; (1) Kabir Sabir son of Sabir Hussain and (2) Asif Ikram Malik son of I.H. Malik are also available on record, which support the case of the petitioner.

4. The deceased at the time of his death left behind immovable and moveable properties, details whereof are mentioned in the Schedule of Properties (at Page 95). Record also shows that the publication of the main petition has been affected in Daily Jang Karachi dated 20.12.2018 not none has appeared, even the legal heir No.6, has appeared nor 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 Rules.

5. In so far as missing legal heir No.6 is concerned, Nazir of this Court is directed to deal with his share, as requested by the petitioner herself, in accordance with law and rules.

S.M.A. No.158 of 2018 is disposed of in above terms.

JUDGE

MUSHARRAF ALI