

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No.54 of 2019

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

Zahida Perveen Petitioner

Muhammad Zafar Deceased.

25.04.2019

Mr. Allah Ditta advocate for the petitioner

ARSHAD HUSSAIN KHAN, J.- The petitioner through the instant SMA seeks grant of letter of administration and succession certificate in respect of immovable properties left by deceased Muhammad Zafar son of Muhammad Nazar who died on 19.09.2017 at Karachi, leaving behind the following legal heirs:-

1.	Mst. Zahida Perveen (petitioner)	Husband
2.	Muhammad Shahrukh Zafar	Son
3.	Muhammad Shahzaib Zafar	Son
4.	Muhammad Zohaib Zafar	Son

2. In the present petition, the surviving legal heir No.1 above is widow and the petitioner as well. The legal heirs No.2 to 4 are sons of the deceased, have filed their respective affidavits of No Objection to grant of present petition in favour of petitioner. Legal heir No.2 also executed his special power of attorney in favour of petitioner.

3. The affidavits of two independent witnesses namely; (1) Annas Bin Junaid son of Junaid Akhtar and (2) Abdullah Bashir son of Bashir Ahmed are also available on record, which support the contents of the petition.

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 and movable properties, details whereof are mentioned in the Schedule of Properties (at Pages 23 - 25). Record also shows that the publication of the main petition has been affected in "Daily Jang Karachi dated 15.02.2019 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. Let succession certificate be issued upon execution of P.R. Bond in the like amount to the satisfaction of Nazir of this Court.

SMA No.54 of 2019 is allowed in above terms.

JUDGE