

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

SMA 436 of 2018

Order with signature of Judge

10.06.2019.

**Ms. Alizeh Mehk, Advocate
Mrs. Afshan Sajid, Petitioner & Legal heir 1.
Mr. Khizer Sajid, Legal Heir 2.
Miss. Nabiha Sajid (Minor), Legal Heir 3.
Master. Ibrahim Sajid (Minor), Legal Heir 4.
Mr. Muhammad Siddique, Legal Heir 5.
Mrs. Khairunissa, Legal Heir 6.
Mr. Syed Shah Sajid Hussain, Witness 1.
Mr. Abid Hussain, Witness 2.**

Per the Report / Order dated 30.05.2019 of the Deputy Registrar (OS) (“Report”), he has satisfied himself that all requisites to the hearing of the main petition, including its publication, have been fulfilled and no objection thereto has been received, therefore, the main petition shall be determined in terms herein.

This is a petition under Sections 278 and 372 of Succession Act, 1925, praying for Letters of Administration and Succession Certificate in respect of the estate of late Muhammad Sajid (“Deceased”), who passed away intestate at Karachi on 12.04.2018. Per the Report, the Deceased is survived by six legal heirs and the death certificate, form ‘B’ and the family registration certificate are recorded as having been examined by the Deputy Registrar.

The estate of the deceased comprises of four immovable properties and two bank accounts. The Report records that the title documents and bank statements in respect of the estate have been seen/verified by the Deputy Registrar / Nazir, in compliance of the order dated 07.02.2019. The Report also catalogues that publication in respect hereof was undertaken in daily Jang, Karachi, Quetta and Rawalpindi on 08.05.2019 and

that no objection of any sort whatsoever has been received in this regard.

All six legal heirs of the Deceased, including the petitioner, are present in Court today. The Report shows that an application seeking the appointment of the petitioner as guardian ad litem for the minor legal heirs has already been granted. The legal heirs have already submitted signed affidavits seeking the grant of the present petition as prayed. The two witnesses are also present in Court and have confirmed the contents of their affidavits filed herein.

In view of the foregoing, it appears that all the requisites have been completed to the satisfaction of the Deputy Registrar and there appears to be no impediment to the grant hereof, therefore, this petition is hereby allowed. The office is directed to issue a letter of administration, in respect of the immovable properties recorded in the Report, and a succession certificate, in respect of the moveable properties recorded in the Report, as per Rules.

Learned counsel submits on oral motion that the petitioner may be permitted to deposit the original/verified title documents of the immovable properties as security for the grant of the letter of administration as it would be virtually impossible to secure the said instrument through any other means. The request appears to be reasonable and is hereby granted.

The petitioner has moved CMA 1177 of 2019 praying that while passing the final order in the present petition this Court may be pleased to record that the legal heir Nos.5 and 6, as mentioned in the Deputy Registrars report being parents of the Deceased, have relinquished their entire share in the estate of the Deceased in favour of the petitioner. The application is signed by the legal heir No.5 and carries the thumb impression of the legal heir No.6. The said application is also supported by the sworn affidavits of the legal heir Nos.5 and 6. The legal heir

Nos.5 and 6 are present in Court and have confirmed the contents of their affidavit and support the grant of the application. In view hereof, the relinquishment of the legal heirs Nos.5 and 6 is hereby recorded and the application is disposed of in terms hereof.

This petition stands allowed in terms herein contained.

J U D G E

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