

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA NO.85 /2019

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

Adil Abbas Khan Petitioner

1. Abid Ali Khan
2. Mst. Saghir Fatima Deceased.

03.05.2019

Syed Tariq Arif Ali Shah advocate, advocate for the petitioner
alongwith all legal heirs.

ARSHAD HUSSAIN KHAN, J.- The petitioner through instant SMA seeks grant of letter of administration in respect of immoveable properties left by deceased namely; (1) Abid Ali Khan son of Ch. Muhammad Ali Khan and (2) Mst. Saghir Fatima widow of Abid Ali Khan who died on 30.12.2017 and 01.02.2016 at Karachi respectively, leaving behind the following legal heirs:-

1.	Ghulam Nabi Murtaza Khan	Son
2.	Mst. Sadaf Fatima Khan	Daughter
3.	Adil Abbas Khan	Son
4.	Mst. Shafaq Zehra	Daughter

2. In the present petition, the surviving legal heir No.3 is son and the petitioner as well. The legal heirs No.1,2 & 4, daughters and son of deceased, have filed their respective affidavits of No Objection for to grant of present petition in favour of the petitioner.

3. The affidavits of two independent witnesses namely; (1) Syed Maisam Abbas son of Syed Shafqat Abbas and (2) Syed Qamar Abbas son

of Syed Dildar Hussain Shah are also available on the record, which support the contents of the petition.

4. 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.

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

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 Page 27). Record also shows that the publication of the main petition has been affected in the "Daily Jang, Karachi dated 02.03.2019 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 Rules. 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 regarding 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.85 of 2019 is allowed in above terms.

JUDGE