

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 193 of 2018

Order with signature of Judge(s)

- For hearing of main petition

15.08.2018

Mr. Kashif Ahmed Kiyani, Advocate alongwith Petitioner

Office note dated 31.05.2018 reflects as under:-

“As per contents of petition, the above named deceased expired on 02.02.2017 at Karachi. Original death certificate and family registration certificate are attached in the case file at page No. 13-19. The deceased above named left behind the following legal heir as per petition:-

- | | | |
|----------------------------|---|----------------------|
| 1. Micheal Shehzad Sultan | - | Brother |
| 2. M. Shahid Sultan | - | Brother |
| Since deceased | | |
| Through legal heirs | | |
| a) Sana Ghani Sultan | - | Daughter |
| b) Ms. Ayesha Ghani Sultan | - | Daughter |
| c) Marim Ghani Sultan | - | Daughter |
| 3. Shabana Faruqi | - | Sister |
| 4. M. Sikandar Sultan | - | Brother (Petitioner) |

Legal heir No.04, is the petitioner and brother of the deceased. Legal heir Nos.1 and 3 have executed Power of Attorney in favour of Petitioner duly attested by Notary Public New Jersey, while legal heir Nos. 2 (a), (b) and (c) have sworn Affidavit of No Objection in favour of petitioner before Assistant Registrar-I Affidavit & Identity Branch of this Court. (Page No.61-93)

Affidavits of two witnesses, namely, (1) Ghulam Shabbir son of Ali Gohar Chandio and (2) Adnan Waheed son of Abdul Wahid Khan, are also on record. (Page No.95-105)

As per schedule of property (Page No.23) the above named deceased has left 50% share in an immovable property. Photocopy of title documents are attached in the case file at page No.29-59. While original documents have been seen and returned by the undersigned.

Syed Abdul Rehman Associate of learned Counsel for the petitioner is present along with legal heir Nos. 2 (a), (b) and (c).

Publication of main petition has been effected in daily Jang, Karachi dated: 09.05.2018 but none has filed any objection from any corner. Copy of publication is available on the record.”

Legal Heir Nos.2(a), (b) and (c) namely Ms. Sana Ghani Sultan, Ms. Ayesha Ghani Sultan and Ms. Marim Ghani Sultan have appeared in this Court and filed their affidavits and do not object to the grant of a Letter of Administration in favour of the Petitioner. Legal Heir Nos.1 and 3 have executed their Powers of Attorney in favour of the Petitioner attested by Notary Public of New Jersey.

Two witnesses namely M/s. Ghulam Shabbir and Adnan Waheed have appeared before this Court alongwith their original CNICs, affirmed the contents of S.M.A and have sworn their affidavits in favour of the Petitioner. The publication in the present matter has been made in daily "Jang", Karachi dated 09.05.2018 inviting the objections, but none has come forward to contest this S.M.A.

In view of above, it appears that none has come forward to raise any objection, accordingly, instant SMA is allowed. Let the Letter of Administration be issued in accordance with the rules, subject to providing legalized Powers of Attorney of Legal Heir Nos.1 and 3 by the Consulate/High Commission concerned in respect of the designated share in the Immovable property left by the deceased, as mentioned in the Schedule of properties available at Page No.23 of the petition.

Be that as it may, custodians of the record of rights are required to act strictly in accordance with law. In case, title of the subject property is under clouds in any manner or under adjudication before any Court of law or before any other forum, relevant fora shall not be influenced by this order of the Court.

JUDGE