

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 141 of 2018

Order with signature of Judge(s)

1. For hearing of main petition
[DR (OS) Diary dated 03.05.2018]
2. For orders on CMA No.1459/2018

27.08.2018

Mr. Ali Mehdi, Advocate alongwith Petitioner

Office note dated 03.05.2018 reflects as under:-

“As per contents of petition, the above named deceased expired on 14.02.2018 at Karachi. Original death certificate and family registration certificate are attached in the case file at page No.17 and 21. The deceased above named left behind the following legal heirs as per petition:-

- | | | |
|-------------------------|---|----------------------|
| 1. Syed Asad Raza Zaidi | - | Husband (Petitioner) |
| 2. Amber Raza | - | Daughter |
| 3. Ali Raza Zaidi | - | Son |

Legal heir No.01, is the Petitioner and Husband of the deceased. All the legal heirs have sworn affidavit of No objection in favour of Petitioner (Page no.91-97)

Affidavits of two witnesses, namely, (1) Syed Abid Murtaza son of Syed Hassan Mustafa and Arshad Raza son of Syed Yab Haider, are also on record. (Page No.99-105).

As per schedule of properties (Page No.23), the above named deceased has left one (01) immovable property. Photocopy of title documents of immovable property are attached in the case file (Page No.31-89) while original documents of immovable property have already been seen and returned by the undersigned.

Mr. Zulfiqar Ali Abbasi learned Counsel for the petitioner is present along with Petitioner and legal heirs.

Publication of main petition has been effected in daily Jang, Karachi dated: 09.04.2018 but none has filed any objection from any corner. Copy of publication is available on the record.”

Legal Heir Nos.2 and 3 namely Amber Raza and Ali Raza Zaidi have appeared in this Court and do not object to the grant of a Letter of Administration in favour of the Petitioner.

Two witnesses namely Syed Abid Murtaza and Arshad Raza have appeared before this Court on the last date of hearing being **05.07.2018**, when my learned brother has been pleased to dispense with their further presence. The publication in the present matter has been made in daily “Jang”, Karachi

dated 09.04.2018 inviting the objections, but none has come forward to contest this S.M.A.

Through listed application bearing CMA No.1459 of 2018, a prayer has been made that the original documents of the subject property may be retained by the Nazir of this Court as security/surety on the ground that the Petitioner as well as other legal heirs do not have any alternative surety. Application is allowed.

In view of above, it appears when none has come forward to raise any objection, accordingly, instant SMA is allowed. Let the Letter of Administration be issued by retaining original title documents of the subject property in respect of 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