

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 213 of 2018

Order with signature of Judge(s)

- For hearing of main petition

27.08.2018

Mr. Muhammad Imran Khan, Advocate alongwith Petitioner

Office note dated 09.08.2018 reflects as under:-

“As per contents of petition, the above named deceased expired on 27.03.2018 at London. Original death certificate and family registration certificate are attached in the case file at page No.09-11. The deceased above named left behind the following legal heirs as per petition:-

- | | | |
|----------------------|---|-----------------------|
| 1. Mst. Ishrat Javed | - | Widow |
| 2. Sana Javed | - | Daughter (Petitioner) |
| 3. Hina Danish | - | Daughter |
| 4. Naveed Ahmed Khan | - | Son |
| 5. Bina javed | - | Daughter |

Legal heir No.02, is the petitioner and daughter of the deceased. Legal heir No.1 has sworn affidavit of No objection in favour of Petitioner while legal heir Nos.3 4 and 5 have executed Special Power of Attorney in favour of Petitioner duly attested by Consulate General of Pakistan, Dubai, Embassy of Pakistan Riyadh and Consulate General of Pakistan Toronto. (Page No.37-49).

Affidavits of two witnesses, namely, (1) Atique Ahmed son of Syed Afzal Imam and (2) Muhammad Saad Qaiser son of Muhammad Shakeel Qaiser, are also on record. (Page No.51-53).

As per schedule of properties (Page No.13), the above named deceased has left One (01) immovable property and bank accounts. Bank statements and photocopy of title documents of immovable property are attached in the case file (Page No.17-35) while original documents have been seen and returned by the undersigned.

Mr. Muhammad Imran Khan learned Counsel for the petitioner is present along with Petitioner and legal heir No.1.

Publication of main petition has been effected in daily Jang, Karachi dated: 29.05.2018 but none has filed any objection from any corner. Copy of publication is available on the record.”

Legal Heir No.1 namely Mst. Ishrat Javed has appeared in this Court and filed her affidavit and does not object to the grant of a Letter of Administration and Succession Certificate in favour of the Petitioner. Legal Heir Nos.3, 4 & 5 have executed their Special Powers of Attorney in favour of the Petitioner, legalized by Consulate General of Pakistan Dubai, Embassy of Pakistan Riyadh and Consulate General of Pakistan Toronto.

Two witnesses namely M/s. Atique Ahmed and Muhammad Saad Qaiser 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 29.05.2018 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 and Succession Certificate be issued in accordance with the rules in respect of the Immovable property as well as Movable properties left by the deceased, as mentioned in the Schedule of properties available at Page No.13 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(ies) 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