

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 186 of 2018

Order with signature of Judge(s)

- For hearing of main petition
[DR (OS) Diary dated 16.08.2018]

31.08.2018

Mr. Muhammad Imran, Advocate alongwith petitioners

Petitioners namely Mr. Arif ul Islam and Mr. Asad ul Islam have applied for grant of Letter of Administration and Succession Certificate in respect of estates (described in the Schedule A & B of properties) of their mother late Rabeya Islam, who is shown to have died intestate on 20.07.2017, leaving behind above named two sons as her only surviving legal heirs. In support of the SMA an FRC is attached at Page-31, which reflects that these are the only surviving legal heirs of the deceased. The original death certificate of the deceased (Page 27) and photostat copies of the following documents have also been filed:-

- (1) Photostat copy of Indenture of Lease of Plot No.D-158, KDA Scheme No.1, Karachi
- (2) Photostat copy of papers of Toyota Corolla, Model 1999, Registration No.ACE-739, Chasis No.9095728 and Engine No.H472890

In this connection, Office Note of the Deputy Registrar (O.S) dated 16.08.2018 provides as under is worth reproducing:-

“As per contents of petition, the above named deceased expired on 20.07.2017 at Karachi. Original death certificate and family registration certificate are attached in the case file at page No.27-31. The deceased above named left behind the following legal heirs as per petition:-

- | | | |
|----------------------|---|------------------|
| 1. Mr. Arif ul Islam | - | Son (Petitioner) |
| 2. Mr. Asad ul Islam | - | Son (Petitioner) |

Affidavits of two witnesses, namely, (1) Tasnimul Haq Farooqui son of Mohiul Farooqui, and (2) Atique Ahmed son of Rafique Ahmed Siddiqui, are also on record. (Page No.83-91).

As per schedule of properties (Page No.33), the above named deceased has left one (01) immovable property and a motor vehicle. Photocopy of title documents are attached in the case file (Page No.43-81) while original documents have been seen and returned by the undersigned.

Mr. Muhammad Imran learned Counsel for the petitioner is present along with petitioners.

Publication of main petition has been effected in daily Jang, Karachi dated: 11.05.2018 but none has filed any objection from any corner. Copy of publication is available on the record.”

Petitioners themselves have filed their affidavits to the effect that the deceased had no other legal heir. They have appeared in Court and have re-affirmed contents of their affidavits as well as petition.

Two witnesses namely Tasnimul Haq Farooqui son of Mohiul Farooqui, and Atique Ahmed son of Rafique Ahmed Siddiqui, who have filed their duly sworn affidavits to the effect that the deceased had left behind only the above mentioned two sons as her only surviving legal heirs. They also appeared before this Court and re-affirmed contents of their affidavits.

The publication in the present matter has been made in daily “Jang”, Karachi dated 11.05.2018 inviting the objections, but none has come forward to contest this S.M.A.

Since the petitioners are sons and legal heirs of the deceased and despite publication in a widely circulated newspaper nobody has appeared to raise any objection, the petition is allowed. Let the Letter of Administration and Succession Certificate be issued in respect of the immovable as well as movable properties left by the deceased, as mentioned in the Schedule of properties available at Page No.33 of the petition upon the petitioners depositing nothing but the original title documents of these properties.

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 properties 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