

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 239 of 2018

Order with signature of Judge(s)

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

04.09.2018

Mr. Muddassir Hussain Joyia, Advocate alongwith petitioners

Petitioner Mirza Ali Abbas has applied for grant of Letter of Administration in respect of estate (described in the Schedule of property) of his mother late Bibi Sharifain, who is shown to have died intestate on 14.01.2011, leaving behind six legal heirs named in paragraph 3 of the petition as her surviving legal heirs. In support of the SMA an FRC is attached at Page-21-23, which reflects that these are the only surviving legal heirs of the deceased. The original death certificate of the deceased (Page 19) and photocopies of the immovable property are provided (pages 35-90).

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

“As per contents of petition, the deceased persons expired in Karachi on 14.01.2011. Original death certificate and family registration certificate are available in the case file at page No.19-21. The deceased above named left behind the following legal heirs:-

1	Rasheed Ahmed Mirza	Husband
2	Erum Rasheed	Daughter
3	Mirza Ali Abbas	Son (Petitioner)
4	Saima Faisal	Daughter
5	Huma Adnan	Daughter
6	Adeel Ahmed Mirza	Son

Legal heir No.3 is the petitioner and son of the deceased. Legal heir Nos. 1,3 and 6 have executed Special Power of Attorney in plaintiff duly attested by Notary Public Karachi, while legal heir Nos. 2 and 5 have sworn affidavit of No objection in favour of petitioner. (Page 91-129).

Affidavits of two witnesses, namely, (1) Imran Iqbal Khan, and (2) Imran Rao son of Islamuddin, are also on record. (Page No.131-141).

As per schedule of properties (Page No.25), the above named deceased has left one (01) immovable property. Photocopy of title documents of immovable property are attached in the case file at page No.31-89, while Original documents have been seen by the undersigned.

Mr. Mudassir Hussain Joyia learned Counsel for the petitioner is present and filed statement stating that the petitioner and legal heirs are unable to attend the proceeding today, learned counsel undertakes that they will appear before the Hon'ble Court.

Publication of main petition has been effected in daily Jang, Karachi dated: 27.06.2018 but none has filed any objection from any corner. Copy of publication is available on the record."

Petitioner himself has filed his affidavit to the effect that the deceased had no other legal heir except those stated above. Legal heir Erum Rasheed and Huma Adnan are present in Court and have re-affirmed contents of their affidavits as well as petition. Legal heirs Rasheed Ahmed Mirza, Saima Faisal and Adeel Ahmed Mirza are represented by petitioner in whose favour they have executed power of attorney.

Two witnesses namely (1) Imran Iqbal Khan, and (2) Imran Rao son of Islamuddin, who have filed their duly sworn affidavits to the effect that the deceased had left behind only the above mentioned 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 27.06.2018 inviting the objections, but none has come forward to contest this S.M.A.

Since the petitioners are 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 be issued in respect of the immovable property left by the deceased, as mentioned in the Schedule of property available at Page No.25 of the petition upon proper verification and 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 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

Iqbal, PS