

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 366 of 2017

Order with signature of Judge(s)

- For hearing of main petition
[DR (OS) Diary dated 08.02.2018]

10.09.2018

Mr. M.B Shakeel, Advocate for the Petitioner

Petitioner namely Mst. Tasneem Zaidi has applied for grant of Letter of Administration in respect of the only property left by her late husband, who is shown to have died intestate on 16.06.2007 (the original death certificate of the deceased is attached at page 15), leaving behind the Petitioner, (his widow), four sons and one daughter named in paragraph 3 of the petition as his only surviving legal heirs. In support of this SMA, photocopy of FRC as originally attached at Page-17 did not include legal heir No.6. Today, the counsel for the Petitioner filed a photocopy of updated FRC alongwith a statement, which is taken on record, which reflects the updated surviving legal heirs of the deceased including the legal heir No.6. Photocopies of documents pertaining to the following immovable property forming part of the Schedule also are provided between pages 19 to 43:-

- Photostat copy of Indenture of Lease in respect of Plot No.A-1902, Block 02/14-A, Metrovile-III, Karachi, admeasuring 239.20 square yards, Karachi

In this connection, Office of the Deputy Registrar (O.S) dated 08.02.2018, which provides as under is worth reproducing:-

“As per contents of petition, the above named deceased expired on 16.06.2007 at Karachi. Original death certificate and Family Registration Certificate are attached in the case file at page No. 15-17. The deceased above named left behind the following legal heirs as per petition:-

- | | | |
|-----------------------|---|--------------------|
| 1. Mst. Tasneem Zaidi | - | Widow (Petitioner) |
| 2. Syed M. Noman | - | Son |
| 3. Syed M. Rehan | - | Son |
| 4. Syeda Rabia | - | Daughter |
| 5. Syed M. Salman | - | Son |
| 6. Syed M. Arsalan | - | Son |

Legal heir No.01, Tasneem Zaidi is the Petitioner and Widow of the deceased. Legal heir No.2 has executed Special Power of Attorney in

favour of Petitioner duly attested by High Commission for Pakistan, London, while legal heirs No. 3, 5 and 6 have filed affidavit of No. objection in favour of Petitioner. (Page No.45-69).

Learned counsel for the petitioner has filed Guardian Certificate issued by Additional District Judge Karachi East under Guardian Mental Health Ordinance 2001. Wherein Petitioner Tasneem Zaidi has been appointed as "Guardian/Manager" of legal heir No. 4 namely Syeda Rabia. Learned counsel for the Petitioner has filed photocopy of Guardian Certificate available in case file at (Page No. 55-57).

Affidavits of two witnesses, namely, (1) Syed Muhammad Naqi son of Syed Alay Muhammad and (2) Wahid Khan son of Ahmed Khan, are also on record. (Page No.71-73).

As per schedule of properties (Page No.19), 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.25-43). While original documents have been seen and returned by the undersigned.

Mr. M. B Shakeel 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: 08.01.2018 but none has filed any objection from any corner. Copy of publication is available on the record."

Petitioner namely Tasneem Zaidi and legal heir No.5 namely Muhammad Salam have appeared before this Court on 30.04.2018 and their appearance was dispensed with. While legal heir No.3 namely Syed Muhammad Rehan and legal heir No.6 namely Syed Muhammad Arsalan also appeared before this Court on 21.05.2018 and their appearance was also dispensed with. The petitioner as well as legal heir Nos.3, 5 and 6 have filed their affidavits to the effect that the deceased had no other legal heir. They have appeared in the Court on the dates mentioned above.

Two witnesses namely Syed Muhammad Naqi and Wahid Khan, who have filed their duly sworn affidavits to the effect that the deceased had left behind only the above mentioned one widow, four sons and one daughter as his only surviving legal heirs. They also appeared before this Court on 21.05.2018 and affirmed the contents of their affidavits.

The publication in the present matter has been made in daily "Jang", Karachi dated 08.01.2018 inviting the objections, but none has come forward to contest this S.M.A.

Since the Petitioner is the legal heir of the deceased and despite publication in a widely circulated newspaper nobody has appeared to raise any objection, the petition apparently in order 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 properties available at Page No.19 of the petition upon verification, identification and the Petitioner having deposited nothing but the original title documents of the scheduled property with condition that the Petitioner shall not in any manner to dispose of the property without the order of the Court.

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