

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
SMA No.248 of 2018

---

Order with signature of Judge(s)

---

- For hearing of main petition  
[DR (OS) Diary dated 30.08.2018]

**14.09.2018**

Mr. Muhammad Kashif Siddiqui, for petitioner along with petitioner Mst. Nadia Rashid Ahmed and legal heirs Mst. Fehmida Khanum, Ms. Neha Ahmed, Zaid Ahmed Khan and minor Ms. Amna Ahmed Khan.

-----

Petitioner Mst. Nadia Rashid Ahmed has applied for grant of Letter of Administration in respect of estate (described in the Schedule of Immovable properties) of her husband late Rashid Ahmed Khan, who is shown to have died intestate on 13.02.2017 through the original death certificate attached at Page 23. Petitioner states that the deceased left behind five legal heirs named in paragraph 4 of the petition as her surviving legal heirs. In support of the instant SMA, photocopy of the FRC is attached at Page-27 which reflects that those listed in paragraph 4 of the petition are the surviving legal heirs of the deceased. Photocopies of documents pertaining to the following immovable properties forming part of the Schedule are also provided between pages 51 to 91:-

1.	Survey Land measuring 00-21 Ghuntas from Survey No.252, Deh Sharafi, Tappo Ibrahim Hyderi, Landhi, Karachi.
2.	1/3 <sup>rd</sup> . share in Leasehold built up plot having total floor area of Survey No.56, Sheet No.RB-II, Rambagh Quarters, South City of Karachi.

In this connection, Office Note of the Deputy Registrar (O.S) dated 30.08.2018, which provides as under is worth reproducing:-

*“As per contents of petition, the deceased expired in Karachi on 13.02.2017. Original death certificate and family registration certificate are attached in the case file*

at page No.23-27. The deceased above named left behind the following legal heirs as per petition:-

1	Mst. Fehmida Khanum	Mother
2	Nadia Rashid Ahmed	Widow (petitioner)
3	Ms. Neha Ahmed	Daughter
4	Zaid Ahmed Khan	Son
5	Amna Ahmed Khan	Daughter (Minor)

Legal heir No.2 is the petitioner and widow of the deceased. Legal heir Nos.1, 3 and 4 have sworn affidavit of No objection in favour of the petitioner while legal heir No.5 is minor. (Page No.93-103).

Counsel for petitioner has also filed an Application U/O 32 Rule 3 CPC for appointment of petitioner as Guardian-ad-Litem of legal heir Nos.5 as she is her real mother. None has raised any objection against this application, therefore, the application is accordingly granted and petitioner is appointed as Guardian-ad-Litem of her minor namely Amna Ahmed Khan. Application U/O 32 Rule 3 CPC is disposed of in above terms.

Affidavits of two witnesses, namely, (1) Abdul Khaliq son of Abdul Jabbar Siddiqui and (2) Muhammad Khalid son of Muhammad Yasin, are also on record (Page No.105-115).

As per schedule of properties (Page No.39), the above named deceased has left two (2) immovable properties. Photocopies of title documents of immovable properties are attached in the case file at Page No.51-91 while Original documents of immovable properties have been seen and returned by the undersigned.

Mr. Muhammad Kashif Siddiqui 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: 20.07.2018 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 in paragraph 4. The legal heirs Mst. Fehmida Khanum, Miss Neha Ahmed and Zaid Ahmed Khan are present in the Court and have re-affirmed contents of their Affidavits of No Objection as well as that of the petition. The Petitioner

Mst. Nadia Rashid Khan mother of the minor Amna Ahmad Khan has been appointed her Guardian-ad-Litem.

Two witnesses namely (1) Abdul Khaliq son of Abdul Jabbar Siddiqui and (2) Muhammad Khalid son of Muhammad Yasin, who have filed their duly sworn affidavits to the effect that the deceased had left behind only the above mentioned legal heirs, have 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 20.07.2018 inviting the objections, but none has come forward to contest this S.M.A.

Since the petitioner is legal heir 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 properties left by the deceased, as mentioned in the Schedule of Immovable Properties available at Page No.39 of the petition upon proper verification, identification and **upon the petitioner having deposited nothing but the original title documents of the Scheduled properties and upon executing a personal bond with one surety equal to the value of the assets**, provided however that minor's share shall be deposited with the Nazir of this Court and the same be invested in an interest bearing securities.

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 Scheduled 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