

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
SMA No.200 of 2018

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Order with signature of Judge(s)

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- For hearing of main petition  
[DR (OS) Diary dated 06.09.2018]

**14.09.2018**

Mr. Muhammad Mustafa Hussain for petitioner along with petitioner Mrs. Asfia Tahira Mirza.

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Petitioner Mrs. Asfia Tahira Mirza has applied for grant of Letter of Administration in respect of estate (described in the Schedule of Immovable properties) of her husband Fadhl Noor Muhammad Ahmed, who is shown to have died in Riyadh, Saudi Arabia intestate on 28.06.2013 through the original death certificate attached at Page 29. Petitioner states that the deceased left behind five legal heirs named in paragraph 2 of the petition as her surviving legal heirs. It is seen that the petitioner and all other legal heirs are nationals of the Kingdom of Saudi Arabia and copies of passports of all legal heirs are provided between pages 11 to 27. Photocopies of documents pertaining to the following immovable properties forming part of the Schedule are also provided between pages 45 to 73:-

1.	Residential Plot No.47, Sector No.50-C, Korangi Township, Karachi.
2.	House/Plot No.185-J, Block-2, PECHS, Karachi

In this connection, Office Note of the Deputy Registrar (O.S) dated 06.09.2018, which provides as under is worth reproducing:-

*“As per contents of petition, the above named deceased expired on 28.06.2013 at Riyadh Saudi Arabia. Original death certificate is available in the case file at*

page 29-31. The deceased above named left behind the following legal heirs:-

1	Mrs. Asfia Tahira Mirza	Widow (Petitioner)
2	Adel Fadhl Noor Ahmed	Son
3	Najla FAdhl Noor Ahmed	Daughter
4	Akram FAdhl Noor Ahmed	Son
5	Amna Fadhl Noor Mohammad	Daughter

Legal heir No.1 is the petitioner and son of the deceased. All the legal heirs have executed General Power of Attorney in favour of petitioner duly attested by Embassy of Pakistan and Embassy of Pakistan, Washington DC (Page No.75-89).

Affidavits of two witnesses, namely, (1) Mrs. Zahida Meher Hussain wife of Khateeb Moujood Hussain and (2) Khateeb Khalil Hussain son of Khateeb Moujood Hussain, are also on record. (Page No.107-117).

As per schedule of properties (Page No.33), 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.45-73) while Original property documents have been seen and returned by the undersigned.

Mr. Muhammad Mustafa Hussain learned Counsel for the petitioner is present and filed a statement stating that the petitioner is presently at Saudi Arabia and she is the General Attorney of all the legal heirs, she will appear before Hon'ble Court on any date between 13<sup>th</sup> and 18<sup>th</sup> September, when she will be able to attend the Hon'ble Court.

In compliance of Hon'ble Court's order dated 15.05.2018, Publication of main petition has been effected in daily Dawn, dated: 15.06.2018 as well notices have also been issued to the legal heirs through DHL, but no one has step forward to file any objection. Copy of publication is available on the record."

Petitioner herself has filed her affidavit to the effect that the deceased had no other legal heir except those stated in paragraph 2. Legal heirs Adel Fadhl Noor Ahmed, Najla Fadhl Noor Ahmed and Amna Fadhl Noor Muhammad Ahmed are residing at Saudi Arabia while legal heir Akram Fadhl Noor Ahmed is residing in USA and they have filed their General Power of Attorney in favor of the petitioner duly attested by the

Embassy of Pakistan at Riyadh and Washington DC and petitioner has filed affidavits of no objection on their behalf reaffirming contents of the Affidavits of No objection as well as those of the petition.

Two witnesses namely Zahida Meher Hussain and Khateeb Khalil Hussain son of Khateeb Moujood Hussain, 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 reaffirmed contents of their affidavits.

The publication in the present matter has been made in daily "Jang", Karachi dated 06.09.2018 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.33 of the petition upon proper verification, identification and having deposited nothing but the original title documents of the Scheduled properties and upon executing a personal bond.

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.

At this stage, learned counsel for the petitioner prays that the petitioner may be allowed to deposit the original title documents of the Scheduled Properties as the petitioner and other family members are

residing abroad and it is difficult for them to arrange another surety. The oral motion of the learned counsel for the petitioner is allowed and the Nazir of this Court is directed to retain original documents of the Scheduled Properties as surety and upon executing a personal bond, as stated above.

JUDGE