

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 267 of 2018

Order with signature of Judge(s)

- For hearing of main petition
[DR (OS) Diary dated 13.09.2018]

02.10.2018

Mr. Muhammad Tariq, Advocate alongwith Petitioner

Petitioner Muhammad Fazal Ur Rehman has applied for grant of Letters of Administration in respect of estate (described in the Schedule of properties) of his wife late Mst. Tasneem Bano, who is shown to have died intestate on 16.01.2013 at Karachi, the original death certificate of the deceased attached at Page-13. The deceased left behind five legal heirs named in paragraph 4 of the petition. In support of the instant SMA, photocopy of the FRC is attached at Page-15, which reflects that those are the only surviving legal heirs of the deceased. Photocopies of documents pertaining to the following immovable property forming part of the Schedule are also provided between pages 25 to 37:-

1.	House No.F-44, Block-B, North Nazimabad, Karachi, measuring 465.89 square yards
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In this connection, Office Note of the Deputy Registrar (O.S) dated 13.09.2018, which provides as under, is worth reproducing:-

“As per contents of petition, the deceased expired in Karachi on 16.01.2013. Original death certificate and family registration certificate are attached in the case file at page No.13-15. The deceased above named left behind the following legal heirs as per petition:-

1	Muhammad Fazal ur Rehman	Husband (Petitioner)
2	Asfa Ovais	Daughter
3	Uzma Zahid	Daughter
4	Shazia Shamoan	Daughter
5	Nida	Daughter

Legal heir No.01, is the Petitioner and Husband of the deceased. All the Legal heirs have sworn affidavit of No objection in favour of Petitioner. (Page 39-55).

Affidavits of two witnesses, namely, (1) Idress Ahmad Jafri son of Anwar Ahmed Jafri and (2) Muhammad Ali Zahid son of Zahid Afzal, are also on record (Page No.55-61).

As per schedule of properties (Page No.17) the above named deceased has left One (01) immovable property. Photocopy of title documents of immovable property are available in the case file at page 25-37, while Original documents have been seen by the undersigned.

Mr. Muhammad Tariq, learned counsel for the petitioner is present along with Petitioner, legal heir No.2, 3 and 4 while legal heir No.5 is exempted by Hon'ble Court vide order dated: 30.08.2018.

Publication of main petition has been effected in daily Jang, Karachi dated: 13.08.2018 but none has filed any objection from any corner. Copy of publication is available on the record."

Petitioner namely Mr. Muhammad Fazal Ur Rehman, who has filed his sworn affidavit, has also appeared before this Court and re-affirmed the contents of his affidavit. Two legal heirs namely Uzma Zahid and Shazia Shamoon, 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 as well as do not object for granting of Letters of Administration in favour of the Petitioner. However, attendance of legal heir No.5 Nida Haris Qureshi, who has filed her duly sworn affidavits to the effect that the deceased had left behind only the above mentioned legal heirs, has already been dispensed with vide order of this Court dated 30.08.2018

Two witnesses namely, (1) Idress Ahmad Jafri son of Anwar Ahmed Jafri and (2) Muhammad Ali Zahid son of Zahid Afzal, 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 the contents of their affidavits.

The publication in the present matter has been made in daily "Jang", Karachi dated 13.08.2018 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 Letters of Administration be issued in respect of immovable property left by the deceased, as mentioned in the Schedule of Properties upon proper verification, identification and the Petitioner having deposited the original documents of the immovable property and upon executing a personal bond with one surety equal to the value of the estate.

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 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

Barkat Ali, PA