

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**SMA No. 44 of 2018**

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Order with signature of Judge(s)

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- For further orders on office objection  
[Attention is respectfully invited towards order dated 25.09.2018, Nazir report dated 02.08.2018 and DR(OS) report dated 12.04.2018]  
(notice issued for 03.10.2018)

**03.10.2018**

Mr. Zaeem Hyder, Advocate for the Petitioner

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Nazir report dated 20.08.2018 is taken on record, which affirms that the property at Sr.5 in Sangar Housing Project, Gawadar is in the name of the deceased Aftab Ahmed Qureshi. This exercise was initiated through this Court's order dated 20.04.2018 since the petitioner did not have in his possession original title documents of the said property. Having concluded with an affirmative report, the objections raised in this regard are satisfactorily complied with and all other formalities have already been completed the instant SMA is granted.

Succinctly, Petitioner Gulnaz Qureshi has applied for the grant of Succession Certificate and Letters of Administration in respect of estate as well as assets (described in the Schedule of properties) of her husband late Aftab Ahmed Qureshi, who is shown to have died intestate on 26.04.2017 at Karachi, the original death certificate of the deceased attached at Page-19. The deceased left behind four legal heirs named in paragraph 3 of the petition. In support of the instant SMA, photocopy of the FRC is attached at Page-21, which reflects that those are the only surviving legal heirs of the deceased. Photocopies of documents and Bank statement pertaining to the following immovable as well as movable property forming part of the Schedule are also provided between pages 37 to 89:-

	<b>Movable Assets</b>
1.	Account No.1027003100368440 at National Bank of Pakistan, 1027, Medol Branch, Clifton, Karachi

	<b>Immovable properties</b>
1.	Amenity plot for Hospital No.HS, in Block C, Setor No.I, measuring 5000 square yards, Gulshan e Mehran, Karachi
2.	Residential plot No.53, Block G, PECHS Housing Sechme, off Fateh Jang Road, District Rawalpindi, measuring 600 square yards
3.	Commercial plot No.55-S, in Block A, Sector No.IV, measuring 75 square yards, Gulshan e Mehran, Karachi
4.	4-0 Acaer in Naclass No.1, Deh Bail, District Malir, Karachi
5.	PDS No.4920, Phase No.I-A, CG No.341, Plot No.18, Lane No.8, Street No.MN, Sangar Housing Project, Gawadar
6.	Plot No.B-65, Sindh Graduates Co operative Housing Society Limited, measuring 400 square yards, Category B, at Gulshan e Shahbaz, DHA Scheme No.VIII, Deh Sanwalhar Taluka Kotri

In this connection, Office Note of the Deputy Registrar (O.S) dated 12.04.2018, which provides as under, is worth reproducing:-

*“As per contents of petition, the deceased expired in Karachi on 26.04.2017. Original death certificate and family registration certificate are attached in the case file at page No.19-21. The deceased above named left behind the following legal heirs as per petition:-*

1	<i>Gulnaz Qureshi</i>	<i>Widow (Petitioner)</i>
2	<i>Mariam Qureshi</i>	<i>Daughter</i>
3	<i>Altaf Qureshi</i>	<i>Son</i>
4	<i>Altaf Qureshi</i>	<i>Son</i>

*Legal heir No.1, Gulnaz Qureshi is the petitioner and widow of deceased. Legal heir Nos.02, 03 and 04 have filed their Affidavits of No objection in favour of petitioner (Page 91-99.*

*Affidavits of two witnesses, namely, (1) Muhammad Arif Riar son of Muhammad Akram (2) Awais Ahmed Laghari son of Faiz Muhammad, are also on record (Page No.103-107).*

*As per schedule of property (Page No.23-25) the above named deceased has left one bank account, and six immovable properties. Bank Statement and photocopies of documents of immovable properties mentioned as Serial Nos.01, 02, 03, 04 and 06 are attached in the case file (Page No.37-89).*

*Mr. Arif Ansari, learned Counsel for the petitioner appeared alongwith petitioner and legal heir No.04 and filed statement along with photocopies of documents of immovable property mentioned at Serial No.05, however did not show its original which ae to be seen by undersigned.*

*Publication of main petition have been effected in daily Jang, Karachi, Rawalpindi, Quetta dated: 05.02.2018 so also daily Kawish, Hyderabad dated 04.02.2018, but none has come forward to raise any objection. Copy of publication is available on the record.”*

Petitioner namely Gulnaz Qureshi, who has filed his sworn affidavit, has also appeared before this Court on 20.04.2018 and her further presence was accordingly dispensed with on that date. Three legal heirs namely Mariam Qureshi, Altaf Qureshi and Ashfaq Ahmed

Qureshi, who have filed their duly sworn affidavits to the effect that the deceased had left behind only the above mentioned legal heirs, as well as, they have consented to the filing of the instant petition and having no objection to the grant of the same, have also appeared before this Court on 20.04.2018 and their further presence was also dispensed with on that date.

Two witnesses namely, (1) Muhammad Arif Riar son of Muhammad Akram and (2) Awais Ahmed Laghari son of Faiz Muhammad, who have filed their duly sworn affidavits to the effect that the facts stated by the Petitioner in the aforementioned petition are true and correct, have also appeared before this Court on 20.04.2018.

Publications in the present matter have been made in daily "Jang", Karachi, Rawalpindin and Quetta on 05.02.2018, so also in daily "Kawish", Hyderabad on 04.02.2018 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 publications in widely circulated newspapers nobody has appeared to raise any objection, the petition is allowed. Let Succession Certificate and Letters of Administration be issued in respect of movable assets and immovable properties 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(s) 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