

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
SMA 45 of 2020

Order with signature of Judge

For hearing of main petition

06.03.2020.

Mr. Aijaz Shirazi, Advocate for the petitioner.

Mr. Muhammad Ali Najmi, petitioner/legal heir 1.

Mr. Fida Hussain, witness.

Tariq Maqsood, witness.

Agha Faisal J. Per the report of the Deputy Registrar (O.S.) dated 20.02.2020 ("Report") all requirements in respect hereof have been completed and publication has also been effected, to which no objections have been received. Petitioner/legal heir 1 and one witness Fida Hussain are present. Those present reaffirm contents of the petition and the affidavits. Learned counsel submits that other witness Muhammad Farooq Azam cannot appear in Court due to heart attack and requests for substitution of said witness and has produced another witness Tariq Maqsood alongwith his affidavit. His requests is allowed and the affidavit is taken on record. Witness Tariq Maqsood is also present in Court and affirms contents of his affidavit. The Report further demonstrates that an application under Order XXXII Rule 1 CPC for appointment of petitioner/legal heir 1 as guardian ad-litem in respect of legal heirs 2 who is minor, has already been granted.

In view hereof, it appears that this is a non-contentious matter and there is no impediment to the grant hereof, hence, this petition is allowed. The office is directed to issue letters of administration, in respect of asset identified per the Report, as per Rules.

Learned counsel on oral motion submits that the petitioner may be allowed to deposit the original title deeds of the property subject to administration, as the petitioner is unable to secure the grant of letter of administration by any other means. It is argued that the security sought to be deposited would adequately secure the interest of the legal heirs and may be returned by the Nazir only after the mutation/transference has already taken place. In view hereof, the request made appears reasonable and is hereby allowed. The petitioner may submit the original title documents of the property as security, with the Nazir of this Court and in addition thereto also file P.R. bond to the satisfaction of the Nazir of this Court.

J U D G E