

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

SMA No.07 of 2019

Date	Order with Signature of Judge(s)
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1. For orders on CMA No.2190/2019.
2. For orders on CMA No.885/2019.
3. For hearing of main petition.

30.01.2020

Mr. Abdur Rahman, advocate for the petitioners.
Mr. R.F. Virjee, advocate for the respondents.
Ms. Fareshteh Gati, attorney of the petitioner No.1.
Mr. Adarbad S. Gati, petitioner No.2.
Mr. Adi Eruch Kapadia, witness.
Ms. Farida Dinshaw, witness.

1&2. Learned counsel for the applicants under instruction submits that he does not press these applications, hence the same are dismissed as withdrawn.

3. This is a petition for probate under section 276 of the Succession Act, 1976 ("Act"). The report of the Deputy Registrar dated 16.01.2020 ("Report") demonstrates that all requirements in respect hereof have been completed and publication has also been effected, to which no objections have been received. Learned counsel submits that per Section 281 of the Act, where the application is for probate, the petition is required to be verified by at least one of the witnesses to the will. However in addition to the affidavit of Mr. Adi Eruch Kapadia, an additional affidavit of Ms. Farida Dinshaw, has also been filed (taken on record).

Mr. R.F. Virjee, Advocate, representing two executors and an objector submits that in view of a settlement agreement the objections have been withdrawn. Learned counsel also points to CMA No.34/2019, wherein two of the four executors named in the will dated 25.10.2010 had sought to recuse themselves from their role as executors and submits that the same was disposed off in view of the order dated 04.12.2019. Another application, being CMA No.534/2019, was also disposed off vide the aforesaid order.

Those present reaffirm the contents of the petition and affidavits. 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 hereby allowed. The office is directed to issue letters of probate in terms of the will dated 25.10.2010, as per the Rules.

JUDGE