

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No.527 of 2019

Date	Order with signature of Judge
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BEFORE:
Mr. Justice Arshad Hussain Khan.

Mrs. Samina Umer Khan Petitioner

Syed Aijaz Hussain Deceased

30.09.2020

Mr. Adnan Ali advocate for the petitioner

ARSHAD HUSSAIN KHAN, J.- The petitioner through instant SMA seeks to grant of letter of administration in respect of the properties left by deceased Syed Aijaz Hussain son of Syed Altaf Hussain who died intestate on 24.06.2017 at Karachi and left behind the following legal heirs:-

1.	Mst. Farida Aijaz Hussain	Widow
2.	Asim Aijaz	Son
3.	Saba Asif	Daughter
4.	Samina Umer Khan	Daughter

2. In the present petition, the surviving legal heir No.4 above is daughter and petitioner as well. The legal heirs No1 to 3 are widow, son and daughter of deceased who have filed their affidavits of No Objection to the grant of present petition.

3. The affidavits of two independent witnesses namely; (1) Muhammad Umer Khan son of Mohammad Azhar Khan (late) and (2) Syed Muhammad Asif Ali son of Syed Mohammad Yousuf Ali are also available on the record, which support the contents of the petition.

4. The legal heirs and the independent witnesses present in Court have admitted and acknowledged the contents of their respective affidavits in support of the present petition.

5. The deceased at the time of his death left behind properties, details whereof are mentioned in the Schedule of Properties (at Page 19). Record also shows that the publication of the main petition has been effected in “Daily Jang” Karachi dated 23.12.2019 but none has appeared and filed any objection. In this regard, report of Deputy Registrar (O.S) dated 16.01.2020 is also available on the record.

In the circumstances, the matter has emerged as non-contentious one, therefore, in my opinion there is no legal impediment to grant the present SMA. Accordingly, this SMA is allowed as per the Rule. However, since this matter is non-contentious one, therefore, the petitioner would be at liberty to deposit the original title documents of the immoveable property of the subject proceedings with the Nazir of this Court as surety as well as execute personal bond in the like amount for issuance of letter of administration.

JUDGE

MUSHARRAF ALI P.A