

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 275 of 2017

Date	Order with signature of Judge
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For hearing of main petition.

15.10.2019

Mr. Asfandyar Jehangir, Advocate for petitioner.

1. At the very outset the learned counsel for the petitioners states that due to typographical mistake instead of praying for issuance of probate of the Will of the deceased Mst. Ghazala Kausar, prayer for grant of Succession Certificate has been made in the petition; therefore, he seeks permission for making correction in the prayer clause. The permission is granted.

2. Petitioners Shaikh Nasir Ali, Mst. Rukhsana Aslam, Shaikh Jahangir Alam, Sanober Sultana, Romana, Shaikh Babar Nazar and Agha Shafqat (now deceased through his legal heirs, namely, Usman Agha, Neelum, Uzma and Agha Umer) all sons and daughters of Shaikh Nazar Ali have filed this petition for the grant of Probate of the Will dated 26.03.2015 in the names of Executors in respect of moveable properties left/ owned by Ghazala Kausar Nazar Ali (G. K. Nazar Ali) ("**Deceased**") d/o. Shaikh Nazar Ali, which are described in Schedule of Properties attached to the petition at Page No. 43.

3. It is stated in the petition that the said deceased died on 16.02.2016 at United Kingdom, who in his life time had executed a **Will** on 26.03.2015 in presence of M/s. Noman Abubaker and Muhammad Javed Akhtar (copy thereof is available at page No. 13 to 29 of the memo of petition), whereby the deceased appointed the petitioners as executors.

4. Affidavits of witnesses of Will, namely, Noman Abubaker and Muhammad Javed Akhtar have been filed with this petition.

5. Notice of this petition was published in Daily "Express" Karachi and Lahore dated 09.02.2018; however, none has filed any objection to the grant of this petition, as per the reports submitted by the Deputy Registrar (OS) on 22.02.2018. Notice was also served upon objector Basheer s/o. Amer Nazar Khan through DHL but no response/objection has been filed by him.

6. Petitioners No.1&2/executors of the Will and petitioners No.3, 5, 6 & 7(d) are also present while petitioner No.2 is attorney of petitioner No.4 and petitioner No.7(d) is Attorney of petitioners No.7(a, b & c). They verify the contents of memo of petitioner and their respective affidavits so also witnesses of the Will, namely, Noman Abu Bakar and Muhammad Javed Akhtar are present they verify the contents of the Will as well as their respective affidavits.

7. Since all other legal formalities/ requirements have been fulfilled, there is no impediment in grant of probate to the petitioners as the executors of the Will; therefore, the petition is allowed. The office is directed to issue probate in respect of movable properties as per details disclosed in the Schedule of Properties attached to the petition, as per rules.

J U D G E

Athar Zai