

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 375 of 2018

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

16.09.2019

Ms. Heer Memon, Advocate for petitioner.

1. Petitioners Mrs. Niloufer Market Reifler wife of Samuel Reifler, Mrs. Meher Marker Noshirwani wife of Cyasp Noshirwani, Shahveer Jal H. P. Byramji s/o. Jal H. P. Byramji and Raymund Jal H. P. Byramji s/o. Jal H. P. Byramji have filed this petition under Section 276 of the Succession Act, 1925 for the grant of Probate of the Will dated 04.01.2016 in their names in respect of moveable properties including securities and shares as well as immovable properties left/ owned by Jamsheed Kekobad Ardeshir Marker ("**Deceased**") s/o. Kekobad Ardeshir Marker, which are described in Schedule of Properties attached to the petition at Page Nos. 31 to 35.

2. It is stated in the petition that the said deceased died on 21.06.2018 at Karachi, who was a member of Zoroastrian (Parsi) faith and the deceased in his life time had executed a **Will** on 04.01.2016 in presence of M/s. Kairas N. Kabraji and Lyla R. Byramji (copy thereof is available at page No. 15 to 25 of the memo of petition), whereby the deceased appointed the petitioners as executors.

4. Affidavits of witnesses of Will, namely, Kairas N. Kabraji s/o. Nadershah D. Kabraji and Lyla Rayomund Byramji wife of Rayomund Jal H. P. Byramji have been filed with this petition.

5. Notice of this petition was published in Daily “Jang” Karachi dated 28.11.2018; however, none has filed any objection to the grant of this petition, as per the reports submitted by the Deputy Registrar (OS) on 27.08.2019.

6. Today petitioners No. 2 to 4 and witnesses of the Will are present. They affirm the contents of memo of petition as well as Will and their affidavits and also verify their respective signatures thereon. Petitioner No.1 is being represented by petitioner No. 3, in whose favour she executed Special Power of Attorney duly attested by the Notary Public at Karachi on 19.10.2018.

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 including securities and shares as well as immovable properties as per details disclosed in the Schedule of Properties attached to the petition, as per rules.

J U D G E

Athar Zai