

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 537 of 2019

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Date

Order with signature of Judge

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For hearing of main petition.

02.09.2020

Mr. Zahid Marghoob, advocate for petitioner.

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By means of this petition, petitioner, namely, Saira Khalid, through her Attorney, namely, Mst. Maimoona Nusrat, has prayed for the grant of Letter of Administration in respect of plot/immovable property/asset, details whereof are mentioned in the Schedule of Property attached with the memo of petition, available at page 33, which was booked by her deceased husband, namely, Syed Khalid Ahsan s/o. Syed Ahsan Bari in his life time, who allegedly died on 9<sup>th</sup> December, 2015 at North Shore University Hospital, Hempstead, USA , leaving behind (1) Saira Khalid (widow), (2) Sameh Ahsan (son), (3) Areeb Ahsan (son), and (4) Saif Ahsan (son) as his legal heirs, out of whom legal heir No. 4 is minor, who is being represented by his mother/petitioner, who has been appointed as his Guardian-ad-Litem.

Original Death Certificate of deceased issued by the Registrar of Vital Statics, the Town of North Hempstead, Nassau County, New York, U.S.A. as well as photostat copies of General Power of Attorney executed by the petitioner and legal heirs No. 2 & 3 in favour of their Attorney Mst. Maimoona Nusrat, duly authenticated by the Consular Attache in the Consulate General of Pakistan at New York, U.S.A., Family Registration Certificate, issued by the NADRA and documents relating to the booking of subject plot are also filed at page 25 to 27 and 57 to 137, respectively.

Mst. Maimoona Nusrat has filed Affidavits of No-Objection on behalf of legal heirs No. 2 & 3 being their Attorney for the grant of Letter of Administration in favour of the petitioner.

Two witnesses, namely, Syed Jawaid Ahsan s/o. Syed Ahsan Bari and Zahooruddin s/o. Nooruddin have also filed their respective affidavits and affirmed that there is no other legal heir of the deceased except mentioned above. Their affidavits are also available on record.

Notice of this petition was published in Daily “Jang” Karachi dated 29<sup>th</sup> February, 2020; however, none has filed any objection to the grant of Letter of Administration to petitioner, as per the report submitted by the Deputy Registrar (OS) on 19<sup>th</sup> March, 2020.

Attorney of petitioner and legal heirs No. 2 & 3 as well as above named witnesses appeared before this Court on 5<sup>th</sup> August, 2020 and affirmed the contents of memo of petition as well as their affidavits and also verified their signatures made thereon.

On the last date of hearing i.e. 5<sup>th</sup> August, 2020, learned counsel for the petitioner was put on notice to satisfy the Court as to how Letter of Administration can be granted in this matter as the subject property is under booking and; hence, having no title document.

Learned counsel while referring Black’s Law Dictionary, Eight Edition, states that term estate in respect thereof Letter of Administration is granted means, the amount, degree, nature and quality of a person’s interest in land or other property. He adds that in the instant case, the deceased in his life time was having interest by virtue of allotment in subject plot and; hence, after his death, the same has become subject of Letter of Administration. The contention of learned counsel appeals to reason.

Since all the legal formalities/requirements have been fulfilled, there is no impediment in grant of Letter of Administration to petitioner, therefore, the petition is allowed. The office is directed to issue Letter of Administration in respect of immovable property/asset, described fully in the Schedule of Property, as per rules.

J U D G E