

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 60 of 2020

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

15.10.2020

Mr. Muhammad Faisal Khan , advocate for petitioner.

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Through the instant petition, petitioner Mst. Shazia has prayed for the grant of Succession Certificate and Letter of Administration in respect of moveable and immoveable properties/assets, details whereof are mentioned in the Schedule of Properties attached with the memo of petition, available at page 35 to 39, which were left by her deceased husband, namely, Muhammad Naveed Alam s/o. Muhammad Alam, who allegedly died on 26<sup>th</sup> May, 2016 at Karachi, leaving behind (1) Mst. Shazia (widow), (2) Shaheryar Alam (son), (3) Sara Naveed (daughter), (4) Zainab Naveed (daughter), (5) Amna Naveed (daughter) and Muhammad Munib Alam (son) as his legal heirs, out of whom legal heirs No. 3 to 6 are minors, who are being represented by their mother/petitioner, who has been appointed as their Guardian-ad-Litem. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA, title documents of the immovable properties and share certificate are also filed at page 23, 29 31 and 43 to 57, while photo copies of bank statements were submitted subsequently by learned counsel for the petitioner through a statement, which are taken on record.

Legal heir No. 2 has filed his Affidavits of No-Objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner.

Two witnesses, namely, Tanveer Ali s/o. Imdad Ali Mirani and Malik Aman s/o. Khan Zaman 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, Lahore and Rawalpindi dated 22<sup>nd</sup> February, 2020; however, none has filed any objection to the grant of Succession Certificate and Letter of Administration to petitioner, as per the report submitted by the Deputy Registrar (OS) on 12<sup>th</sup> March, 2020.

On 01.10.2020 petitioner and legal heir No. 2 as well as above named witnesses made their appearance before this Court 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. 1<sup>st</sup> October, 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 all the subject immovable properties/plots are under booking and; hence, having no title documents.

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 immovable properties/plots and; hence, after his death, the same have 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 Succession Certificate and Letter of Administration to petitioner, therefore, the petition is allowed. The office is directed to issue Succession Certificate and Letter of Administration in respect of movable and immovable properties/assets shown in the Schedule of Properties, as per rules.

J U D G E