

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 78 of 2018

Date	Order with signature of Judge
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1. For order on office objection alongwith reply of learned counsel on main petition at (flag "A").
2. For order on CMA No. 403/2018.
3. For hearing of main petition.

01.02.2019

Mr. Tahmas Rasheed Razvi, advocate for petitioner.

1&2. By means of application listed at serial No.2, learned counsel for the petitioner seeks exemption from filing original death certificate of deceased Aziz Kassam Ali Makani, as the petitioner is not in possession of the same; however, he has filed with the memo of petition true photostat copy of the same duly attested by Notary Public at Karachi, while he does not press the listed application to the extent of exemption from filing original title documents of one of the properties left by deceased father of the petitioner, as the same has already been deleted from Schedule of Properties by filing amended Schedule of Properties, in compliance of order dated 20.08.2018. Accordingly, petitioner is exempted from filing original death certificate in respect of his deceased father, while application to the extent of exemption from filing original title documents is dismissed as not pressed. Office objection is answered accordingly.

3. Through the instant petition, Petitioners, namely, Asif Aziz Makani, Mst. Mumtaz Aziz Makani and Aman Aziz Makani have prayed for the grant of Letter of Administration in respect of immovable properties/assets, details whereof are mentioned in the Amended Schedule of Properties attached with the memo of petition, available at page 39/A, which were left by their deceased father, namely, Aziz Kassam Ali Makani s/o. Kassam Ali Makani, who allegedly died on 08.09.2016 at Karachi, leaving behind the petitioners as his legal heirs. Photostat copies of Death Certificate of deceased, Family Registration Certificate, issued by the NADRA

and title documents of the immovable properties are also filed at page 15, 39 and 47 to 93.

Petitioners No. 2 & 3 have executed General Power of Attorney, duly attested by the Deputy Consul General in the Consulate General of Pakistan at Toronto, Canada in favour of the petitioner No.1, who has filed affidavits of no objection on their behalf for the grant of Letter of Administration in his favour.

Two witnesses, namely, Farid Hassan Ali Hirani s/o. Hassan Ali Hirani and Jalauddin Muhammad Ali Furniturewala s/o. Muhammad Ali Furniturewala 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 23.11.2018; 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 13.12.2018.

Today petitioner No.1 and above named witnesses are present. They affirm the contents of memo of petition as well as their affidavits and also verify their signatures thereon.

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 properties/assets shown in the Amended Schedule of Properties, as per rules.

J U D G E