

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 90 of 2021

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

D.R. (O.S.) diary dated 25.02.2021 (Flag A)

Explanation filed by D.R. (O.S.) (Flag B)

Statement dated 17.03.2021 filed alongwith affidavits of witness (as flagged).

19.03.2021

Mr. Khalid Riaz, Advocate for petitioner.

In view of reply submitted by the Deputy Registrar (O.S.), explanation is vacated; however, he is directed to be vigilant in future.

In compliance of order dated 11th March, 2021, learned counsel for the plaintiff has filed, through a statement dated 17th March, 2021, fresh affidavits of third party witnesses, namely, Muhammad Kaleem and Khalid Mir, affirming therein that there is no other legal heir of the deceased Syed Razzak Ali Shah except mentioned in their respective affidavits, which are taken on record.

Through instant petition, the petitioners, namely, Syeda Rabia and Syeda Iqra Shah have 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 23, which were left by their deceased brother and husband, respectively, namely, Syed Razzak Ali Shah, who allegedly died on 22nd January, 2017 at Karachi, leaving behind him [1] Syeda Iqra Shah (widow/petitioner No.2), [2] Syed Vilayat Ali Shah (brother), [3] Syeda Rabia (sister/petitioner No.1), [4] Syed Munir Ali Shah (brother) and [5] Syed Gohar Ali Shah (brother) as his surviving legal heirs. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA, title documents of the immovable property and certificate issued by

United Bank Limited, C.P. Berar Society, Karachi are also filed at page 15 to 19 and 33 to 55.

Legal heir No. 2 has filed his Affidavit of No-Objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioners/legal heirs No.1 & 3 duly sworn before Assistant Registrar, Affidavit and Identity Branch of this Court, while legal heirs No. 4 & 5 have filed such affidavits as well as Special Power of Attorney duly sworn before / authenticated by the Consul in the Consulate General of Pakistan at Sydney NSW (Australia) and Consular Assistant in the Consulate General of Pakistan at Sydney, Australia, respectively, in favour of the petitioners, which are available on record.

Notice of this petition was published in Daily "Jang" Karachi dated 10th February, 2021; 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 25th February, 2021.

Today petitioner and legal heir No. 2 as well as above named witnesses are present. They affirm the contents of memo of petition as well as their affidavits and also verify their signatures made thereon.

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