

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 93 of 2021

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Date	Order with signature of Judge
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For orders on C.M.A. No. 14541/2021.

03.06.2021

Mr. Aurangzeb Gorar, advocate for petitioner.  
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The matter is already fixed on 10<sup>th</sup> September, 2021; however, learned counsel for the petitioner pleads urgency and requests for taking up the matter. Urgency application is treated as an application for ante-date hearing of the matter and accordingly granted. Consequently, the matter is taken up for hearing.

Through the instant petition, petitioner Zubair Ahmed has prayed for the grant of Letter of Administration in respect of immoveable properties/assets, details whereof are mentioned in the Schedule of Properties attached with the memo of petition, available at page 29, which were left by his deceased father, namely, Iqbal Ahmed, who allegedly died on 23<sup>rd</sup> January, 2019 at Karachi, leaving behind him nine legal heirs, namely, (1) Mst. Hanifa Bibi (widow) (2) Saleem Iqbal (son), (3) Zahid Iqbal (son), (4) Javed Iqbal (son), (5) Tanweer Ahmed (son), (6) Nasreen Akhtar (daughter), (7) Zubair Ahmed (son/petitioner), (8) Naila Zafar (daughter) and (9) Zafar Iqbal (son), out of whom legal heirs No. 2 & 9 also died on 21<sup>st</sup> February, 2010 and 5<sup>th</sup> July, 1988, respectively; therefore, their legal heirs, namely, 2(i) Samina Saleem (widow), 2(ii) Muhammad Shoaib (son), 2(iii) Muhammad Irfan (son), 2(iv) Noreen Faisal (daughter), 9(i) Razia Zafar (widow), 9(ii) Zeeshan Zafar (son), 9(iii) Sohal Zafar (son) and 9(iv) Humaira Ali (daughter) have been joined in this matter. Original Death Certificate of deceased Iqbal Ahmed, issued by the Secretary UC-10 Shah Faisal, DMC Korangi Karachi as well as photostat copies of Death Certificates of deceased Saleem Iqbal and Zafar Iqbal, respectively issued by the Secretary Union Council No. 6, Rafah-e-Aam, Shah Faisal Town, Karachi & Incharge Births and Deaths Section, Karachi Metropolitan Corporation, Karachi, Family Registration Certificates, issued by the NADRA and title documents of the immovable properties are also filed at page 15 to 27 and 35 to 63.

Legal heirs No. 1, 4, 6, 8, 2(i), 2(ii), 2(iv), 9(i), 9(ii) and 9(iv) have filed their Affidavits of No-Objection for the grant of Letter of Administration in favour

of the petitioner/legal heir No.7, while legal heirs No. 3, 5, 2(iii) and 9(iii) have executed Special Power of Attorney duly authenticated by the Notary Public at Lahore in favour of the petitioner, which are available on record.

Two witnesses, namely, Zafar Ali and Malik Amjad Ali 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 15<sup>th</sup> February, 2021; 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 11<sup>th</sup> March, 2021.

Today petitioner and legal heirs No. 1, 4, 6, 8, 2(i), 2(ii), 2(iv), 9(i), 9(ii) and 9(iv) 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 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 Schedule of Properties, as per rules.

At this juncture, learned counsel for the petitioner states that since no one has come forward to raise objection for the grant of this petition, the petitioner may be exempted from furnishing requisite securities/sureties for issuance of Letter of Administration and permitted to deposit title documents of the immovable properties mentioned in the Schedule of Properties for the grant of Letter of Administration.

Looking to the fact that despite publication in newspaper none has raised any objection for the grant of Letter of Administration in favour of the petitioner, the request is allowed. Nazir is directed to accept original title documents of the subject properties as surety for issuance of Letter of Administration.

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