

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 167 of 2018

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

17.12.2018

Mr. Nisar Ahmed Metlo, advocate for petitioner.

Through the instant petition, Petitioner, Mst. Shehla Naz has prayed for the grant of Succession Certificate and Letter of Administration in respect of moveable and immovable properties/assets, details whereof are mentioned in the Schedule of Properties attached with the memo of petition, available at pages 37 and 39, which were left by her deceased husband, namely, Altaf Hussain s/o. Din Muhammad, who allegedly died on 18.08.2017 at Karachi, leaving behind (1) Mst. Shehla Naz (widow/petitioner), (2) Aiman (daughter), (3) Abdullah (son) and Muhammad Qassim (son) as his legal heirs. Original Death Certificates of deceased Altaf Hussain, his father Din Muhammad and mother Mst. Razia Begum as well as photostat copies of B-Form, issued by the NADRA, title documents of the immovable properties and bank statements are also filed at page 27 to 33 and 41 to 205.

Legal heirs No. 2 to 4 are minors, who are being represented by their mother/petitioner, who has been appointed as their Guardian-ad-Litem.

Two witnesses, namely, Khadim Hussain s/o. Din Muhammad and Muhammad Ayub s/o. Rafiq Ahmed 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 27.09.2018; 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 18.10.2018.

On 12.12.2018 petitioner made her appearance and affirmed the contents of the memo of petition and accompanying affidavit and also verified her signatures thereon. Today the above named witnesses are present. They affirm the contents of their affidavits and also verify their signatures 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.

Petitioner is directed to deposit share of the minors/legal heirs No. 2 to 4, in respect of movable properties/amount laying in the bank accounts, after its realization, with the Nazir of this Court, which would be invested by the Nazir in any profitable government scheme till the minors attain majority. However, the petitioner shall be entitled to get the profit on the said amount, which would be used for the welfare of minors.

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