

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 209 of 2019

Date	Order with signature of Judge
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1. For order on Nazir's report dated 24.05.2019.
2. For hearing of main petition.

05.09.2019

Mr. Muhammad Ali Lakhani, advocate for petitioner.

1. Nazir's report is taken on record.
2. Through the instant petition, Petitioner Mirza Ali Baig 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 13, which were left by his deceased father, namely, Mirza Hamid Ali Baig s/o. Mirza Masood Ali Baig, who allegedly died on 15.12.2018 at Karachi, leaving behind (1) Mst. Munni Baig (widow), (2) Mirza Adil Baig (son/petitioner), (3) Sehr Baig Choudhry (daughter) and (4) Sanah Baig Hashmi (daughter) as his 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 properties and documents of vehicle are also filed at page 9, 11 and 19 to 25.

Legal heir No. 1, 2 & 4 have filed their affidavits of no objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner, while legal heirs No. 1 & 3 also executed Special Power of Attorney, duly attested by the Notary Public at Karachi in favour of the petitioner.

Two witnesses, namely, Rabia Basri Baig w/o Mirza Adil Baig and Mustafa Azeem Hashmi s/o. Arshad Zeem Hashmi 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 and Lahore dated 15.07.2019; 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 22.08.2019.

Today petitioner and legal heir No. 4 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 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.

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 two securities/sureties for issuance of Letter of Administration and Succession Certificate and permitted to deposit title documents of the immovable properties mentioned in the Schedule of Properties for the grant of Letter of Administration and be allowed to execute P.R. Bond for the grant of Succession Certificate in respect of vehicle, in lieu of surety.

Looking to the fact that despite publication in newspaper none has raised any objection for the grant of Succession Certificate and 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. Petitioner is also allowed to execute P.R. Bond for the grant of Succession Certificate in respect of vehicle.

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