

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 235 of 2021

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Date                      Order with signature of Judge

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For hearing of main petition.

22.04.2021

Mr. Kafeel Ahmed Abbasi, advocate for petitioner.  
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Through the instant petition, petitioner Mst. Sarah Anwar Habib 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 15, which were left by her deceased husband, namely, Habib Anwar, who reportedly died on 19<sup>th</sup> December, 2015 at Nottingham, England and was buried at Karachi. The deceased left behind him four (4) legal heirs, namely, (1) Mst. Sarah Anwar Habib (widow/petitioner), (2) Raiya Habib (daughter), (3) Adil Habib (son) and (4) Haya Habib (daughter). Photostat copies of Death Certificate of deceased issued by the Deputy Registrar, Nottingham, Nottinghamshire, England, Family Registration Certificate, issued by the NADRA and title documents of the immovable properties are also filed at page 11, 13 and 19 to 53.

Legal heirs No. 2 to 4 have executed General Power of Attorney duly authenticated by the Consul and Consular Attache in the Consulate of Pakistan at Toronto, Canada in favour of the petitioner, who has filed her Affidavits of No-Objection on their behalf for the grant of Letter of Administration in her favour, which are available on record.

Two witnesses, namely, Akhundzada Fareed Kasi and Jahangir Abbas 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 3<sup>rd</sup> April, 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 15<sup>th</sup> April, 2021.

Today petitioner 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 he has also filed an application under Section 151 C.P.C.; however, the same has not been fixed today by the office; therefore, he requests for taking up the same. At his request, the said application is taken up.

By means of the said application, the petitioner requests for exemption from furnishing requisite securities/sureties for issuance of Letter of Administration and seeks permission for depositing title documents of the immovable properties mentioned in the Schedule of Properties, in lieu of surety.

Learned counsel for the petitioner states that the petitioner is not in financial capacity to arrange the requisite sureties and since none has come forward to contest this matter, in the interest of justice this application may be allowed.

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

Application stands disposed of. Office is directed to assign C.M.A. number to the said application.

J U D G E

Athar Zai