

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 291 of 2019

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

12.09.2019

Ms. Anila Danish, advocate for petitioner.

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Through the instant petition, Petitioner Amna Kalsoom 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 27-29, which were left by her deceased husband, namely, Muhammad Sirajuddin s/o. Muhammad Ibrahim, who allegedly died on 05.01.2018 at Jeddah, Saudi Arabia, leaving behind (1) Amna Kalsoom (widow/petitioner), (2) Muhammad Imamuddin Mehmood (son), (3) Aisha Mehmood (daughter), (4) Hafsa Mehmood (daughter), (5) Safia Mehmood (daughter) and (6) Abdul Muizzuddin Mehmood (son) as his legal heirs. Original Death Certificate of deceased issued by the concerned authority of Saudi Arabia as well as photostat copies of Family Registration Certificate, issued by the NADRA, title documents of the immovable properties and service documents of the deceased are also filed at page 17, 23 and 61 to 127.

Legal heirs No. 3 to 5 have filed their affidavits of no objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner, while legal heir No. 2 has executed Special Power of Attorney duly attested by the Consul in the Consulate General of Pakistan at Sydney NSW (Australia) in favour of the petitioner, which is also available on record. Legal heir No. 6 is minor, who is being represented by his mother/petitioner, who has been appointed as his Guardian-ad-Litem.

Two witnesses, namely, Muhammad Moinuddin s/o. Riazur-Rehman and Muhammad Rauf s/o. Abdul Hameed 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 26.07.2019; 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.

On 4<sup>th</sup> September, 2019 petitioner and legal heir No. 3 to 5 as well as one of the witnesses, namely Muhammad Moinuddin made their appearance, while another witness, namely, Muhammad Rauf has appeared today. All have affirmed the contents of memo of petition as well as their affidavits and also verified 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 minor/legal heir No. 6, in respect of movable property/service benefits of the deceased, after its realization, with the Nazir of this Court, which would be invested by the Nazir in any profitable government scheme till the minor attains majority. However, the petitioner shall be entitled to get the profit on the said amount, which would be used for the welfare of minor.

J U D G E

Athar Zai