

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 273 of 2021

Date	Order with signature of Judge
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1. For orders on office objection No. 1 on main petition (Flag "A").
2. For further orders on C.M.A. No. 1088/2021.
3. For hearing of main petition.
D.R.(O.S) diary dated 06.05.2021 (Flag "C").
Report filed by N.A.D.R.A. (Flag "B").

19.05.2021

Mr. Muhammad Aqil, advocate for petitioner.

Learned counsel for the petitioner states that the mother, father and one of the sisters of the deceased Omar Farid, namely, Begum Saeeda Fareed, Ghulam Ghous Farid and Huma Khushgai, respectively, have already expired in the life time of the said deceased; however, inadvertently the fact of death of said deceased sister could not be mentioned in paragraph No. 4 of the memo of petition; therefore, he requests for making necessary correction in the memo of petition. In this regard, he files through a statement photostat copies of death certificates of said deceased mother and sister, which are taken on record. Let necessary correction in the memo of petition be made.

2. By means of this application, the petitioner has sought exemption from furnishing Family Registration Certificate (F.R.C.) in respect of deceased Omar Farid, on the ground that the deceased was unmarried person and all his legal heirs are living abroad.

Vide order dated 22nd April, 2021, office was directed to seek information from N.A.D.R.A. with regard to F.R.C. and family tree of the deceased, in pursuance whereof N.A.D.R.A. filed report dated 6th May, 2021 showing four legal heirs of the deceased, namely, (1) Begum Saeeda Fareed (mother), (2) Huma Khushgai (sister), (3) Sehba Musharaf (sister) and (4) Asim Fareed (brother). The said report is taken on record and accordingly this application is allowed by exempting the petitioner from filing F.R.C. of the deceased.

Application stands disposed of.

1&3. By this petition, petitioner, namely, Asim Farid, through his Attorney, namely Muhammad Hidayatullah Khan Khaishgi 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 15, which were left by his deceased brother, namely, Omar Farid, who allegedly died on 24th August, 2020 at Karachi, leaving behind him two legal heirs, namely, Sehba Musharaf (sister) and Asim Farid (brother). Photostat copy of Death Certificate of deceased issued from Dr. Ziauddin Hospital Karachi, title documents of the immovable property, bank statements and Behbood Certificates are also filed at page 13 and 19 to 31.

Legal heir No. 1 has executed General Power of Attorney duly attested by the Vice Consul (CA) in the Consulate General of Pakistan at Dubai, U.A.E. in favour of Attorney of the petitioner, who has filed Affidavit of No-Objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner/legal heir No.2, which are available on record.

Two witnesses, namely, Muhammad Shafiq and Muhammad Ayub Dawoodpota 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 2nd May, 2021; 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 6th May, 2021.

Today Attorney of the petitioner/legal heir No. 1 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 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; however, subject to furnishing original death certificate of the deceased issued by the N.A.D.R.A.

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