

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 298 of 2019

Date

Order with signature of Judge

For hearing of main petition.

18.12.2019

Mr. Khursheed Javed Advocate holding brief for Mr. Mehboob Lakhani, advocate for petitioner.

Through the instant petition, petitioner Mst. Asma Amin has prayed for the grant of Letter of Administration in respect of immovable property/asset, details whereof are mentioned in the Schedule of Property attached with the memo of petition, available at page 21, which was left by her deceased mother, namely, Mst. Farida, who allegedly died on 4th January, 2008 at Karachi, leaving behind (1) Yousuf Esmail Fida (widower), (2) Uzma Rauf (daughter), (3) Asif Yousuf Fida (son), (4) Mrs. Asma Amin (daughter/petitioner) and (5) Uruj Hanif as his legal heirs; however, later on legal heir No. 1 also died on 21st October, 2018. Original Death Certificate of both the deceased parents of the petitioner as well as photostat copies of Family Registration Certificate, issued by the NADRA and title documents of the immovable property are also filed at page 15 to 19 and 31 to 51.

Legal heir No. 5 filed her Affidavit of No-Objection for the grant of Letter of Administration in favour of the petitioner, while legal heir No. 3 executed Special Power of Attorney duly attested by the Notary Public at Karachi in favour of the petitioner. So far as legal heir No. 2 is concerned, initially she did not file such Affidavit of No-Objection as her whereabouts were not known to the petitioner; therefore, she was made an objector in the petition by filing amended title dated 14th September, 2019; however, later on 13th December, 2019 she filed her Affidavit of No-Objection for such purpose in favour of the petitioner.

Two witnesses, namely, Muhammad Aslam s/o. Abu Bakar and Abdul Sami Ahmed s/o. 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 18th September, 2019; 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 10th October, 2019.

Today petitioner and legal heirs No. 2 & 5 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 property/asset shown in the Schedule of Property, as per rules.

J U D G E

Athar Zai