

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 314 of 2019

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

26.09.2019

M/s. Masood Ahmed Kazi & Javed Ahmed, advocates for petitioner.

Through the instant petition, Petitioner Syed Imran Azhar 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 17, which was left by his deceased mother, namely, Husna Khatoon widow of Azhar Ali Shah, who allegedly died on 08.07.2019 at Karachi, leaving behind (1) Athar Ali Shah (son), (2) Samira Shah (daughter), (3) Syed Adnan Azhar (son), and (4) Syed Imran Azhar (son/petitioner) as her legal heirs. Original Death Certificate of deceased 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 11, 15 and 23 to 37.

Legal heirs No. 1 to 3 have filed their affidavits of no objection for the grant of Letter of Administration in favour of the petitioner.

Two witnesses, namely, Muhammad Azhar s/o. Muhammad Asghar and Reza Samad s/o. Anwar Samad 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 21.08.2019; 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 29.08.2019.

Today petitioner and legal heirs No. 1 to 3 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 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.

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 permitted to deposit title documents of the immovable property mentioned in the Schedule of Property, in lieu of surety.

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

J U D G E

Athar Zai