

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 345 of 2019

Date	Order with signature of Judge
------	-------------------------------

For hearing of main petition.

04.10.2019

Mr. Saad Fayaz, advocate for petitioner.

Through the instant petition, Petitioner Adnan Hanif 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 19, which was left by his deceased father, namely, Muhammad Hanif Siddiqui s/s. Ali Muhammad Siddiqui, who allegedly died on 02.01.2008 at Karachi, leaving behind (1) Adnan Hanif (son/petitioner), (2) Farhan Hanif Siddiqui (son), (3) Adeel Hanif Siddiqui (son) and (4) Nida Salman (daughter) as his 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 13, 17 and 23 to 32.

Legal heir No. 3 has filed his affidavit of no objection for the grant of Letter of Administration in favour of the petitioner, while legal heirs No. 2 & 4 have executed Special Power of Attorney duly attested by the Notary Public at Islamabad in favour of the petitioner and legal heir No.3, respectively, who have filed affidavits of no objection on their behalf for the grant of Letter of Administration in favour of the petitioner.

Two witnesses, namely, Muhammad Adeel Khan s/o. Sarwat Hussain Khan and Muhammad Zaheer Khan s/o. Muhammad Ismail 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 12.09.2019; 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 26.09.2019.

Today petitioner and legal heir No. 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 alongwith petition he has also filed an application under Section 151 C.P.C.; however, neither number has been assigned to the said application nor the same has been fixed today by the office; therefore, he requests that the said application may be taken up. At his request, the said application is taken up.

Through this application, petitioner seeks exemption from furnishing two securities/sureties for issuance of Letter of Administration and granting permission to deposit title documents of the immovable property mentioned in the Schedule of Property in lieu of surety, on the ground that no one has raised any objection for the grant of Letter of Administration in favour of the petitioner.

It appears that despite publication in newspaper none has raised any objection for the grant of Letter of Administration in favour of the petitioner; therefore, there is no impediment in allowing this application; hence, the same is allowed. Nazir is directed to accept original title documents of the subject property as surety for issuance of Letter of Administration.

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

J U D G E