

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 349 of 2019

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

16.10.2019

Mr. Jaffar Raza, advocate for petitioner.

Through the instant petition, Petitioner Nafisa Quettawala 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 pages 21 to 23, which were left by her deceased husband, namely, Shabbir Quettawala s/o. Essa Bhai Abdul Hussain, who allegedly died on 30.03.2019 at Karachi, leaving behind (1) Nafisa Quettawala (widow/petitioner), (2) Duraiya Anverally (daughter), (3) Farida Lakda (daughter) and (4) Umme Aiman Halai (daughter) as his legal heirs. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA, title documents of the immovable properties and share certificates are also filed at page 17, 19 and 33 to 401.

Legal heirs No. 2 & 3 have filed their affidavits of no objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner. They as well as legal heir No. 4 have executed Special Power of Attorneys duly attested by the Attorney-at-Law, Notary Public & Commissioner for Oaths, Colombo, Sri Lanka, Notary Public, Slough, Berkshire, United Kingdom and Consular Attache in the Consulate General of Pakistan at Los Angles, USA in favour of the petitioner.

Two witnesses, namely, Shakir s/o. Ismail Qasim Ali and Ali Asghar s/o. Amir Ali 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 16.09.2019; 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 03.10.2019.

Today petitioner 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 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.

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 properties mentioned in the Schedule of Properties, 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 properties as surety for issuance of Letter of Administration.

J U D G E