

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 374 of 2017

Date

Order with signature of Judge

For hearing of main petition.

15.03.2018

M/s Saadat Yar Khan and Abdul Hayee S. M. Shaikh,
advocates for petitioner.

Through the instant petition, Petitioner, Dr. Deeba Kirmani widow of Syed Talha Kirmani has prayed for the grant of Succession Certificate and Letter of Administration in respect of moveable and immovable properties/assets, details of which are mentioned in the Schedule of Properties attached with the memo of petition, available at page 29 and 31, which were left by her deceased husband, namely, Syed Talha Kirmani s/o. Ishtiaq Ali Kirmani, who died on 09.09.2017 at Karachi, leaving behind Dr. Deeba Kirmani (petitioner), Syed Marium Kirmani, Syed Taha Kirmani, Syeda Maham Kirmani, Syed Talal Kirmani and Syeda Marina Kirmani as his legal heirs. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate and Form-B, issued by the NADRA, title documents of the immovable properties and bank statements are also filed at page 15, 23 to 27 and 41 to 235.

The legal heirs, namely, Syeda Marium Kirmani, Syed Taha Kirmani, Syeda Maham Kirmani and Syed Talal Kirmani have filed their affidavits of no objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner. Syeda Marium Kirmani and Syeda Maham Kirmani have also executed Special Power of Attorney in favour of the petitioner duly attested by the Notary Public at Karachi, while one of legal heirs, namely, Syeda Marina Kirmani, who is a minor, is being

represented by her mother, who has been appointed as her Guardian-ad-Litem.

Two witnesses, namely, Syed Safdar Raza Jafri s/o. Syed Zulfiquar Ali Jafri and Abdul Rehman s/o. Abdul Wahid 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 31.01.2018; 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 22.02.2018.

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. Petitioner is directed to deposit share of the minor legal heir, namely, Syed Marina Kirmani, in respect of movable properties/amount laying the bank accounts, after its realization, with the Nazir of this Court, which would be invested by the Nazir in any profitable government scheme till the minor attains majority. However, the petitioner shall be entitled to get the profit on the said amount, which would be used for the welfare of minor.

J U D G E