

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 426 of 2019

Date

Order with signature of Judge

For hearing of main petition.

27.11.2019

Mr. Muhammad Naseer, advocate for petitioner.

Through the instant petition, Petitioner Zulfiqar Ali Carbaidwala has prayed for the grant of Letter of Administration in respect of immoveable property/asset, details whereof are mentioned in the Schedule of Property attached with the memo of petition, available at page 13, which was left by his deceased father, namely, Safdar Hussain s/o. late Qurban Hussain, who allegedly died on 17.09.2016 at Karachi, leaving behind (1) Zulfiqar Ali Carbaidwala (son/petitioner), (2) Sher Bano (widow), (3) Mufaddal Hussain (son) and (4) Tasneem Abbas Maccawala (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 9-A, 11 and 21 to 47.

Legal heirs No. 2 & 3 have filed their affidavits of no objection for the grant of Letter of Administration in favour of the petitioner duly sworn before Assistant Registrar, Affidavit and Identity Branch of this Court, while legal heir No. 4 has filed such affidavit duly attested by the Consular Attache in the Embassy of Pakistan at Kuwait, which are also available on record.

Two witnesses, namely, Qutubuddin Carbaidwala s/o. late Qurban Hussain Carbaidwala and Sabir Hussain s/o. Fakhruddin 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 28.10.2019; 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 14.11.2019.

Today petitioner and legal heirs No. 2 & 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 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