

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 438 of 2019

Date

Order with signature of Judge

For hearing of main petition.

03.09.2020

Mr. Tahir Rahim, advocate for petitioner.

By means of this petition, petitioner Syed Zakaullah Afghan, through his Attorney Syed Khizar Alam Shah s/o. Agha Syed Amir Hassan Shah, 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 23, which was left by his deceased father, namely, Gul Muhammad Afghan s/o. Qadir Dad Khan Afghan, who allegedly died on 22.03.1999 at Karachi, leaving behind (1) Mst. Sophia Afghan (daughter) and (2) Syed Zakaullah Afghan (son/petitioner) as his legal heirs. Original Death Certificate of deceased issued by the Incharge Birth and Death Registration Office, SMCH, KMC (East) Karachi as well as photostat copies of Death Certificate and Family Registration Certificate, issued by the NADRA and title documents of the immovable property are also filed at page 15, 19, 21 and 29 to 43.

Legal heir No. 1 has executed Special Power of Attorney duly attested by the Counselor in the High Commission for Pakistan at Canberra, Australia in favour of Syed Khizar Alam Shah, who has filed Affidavit of No-Objection on her behalf for the grant of Letter of Administration in favour of the petitioner.

Two witnesses, namely, Ajmal s/o. Wazir Hussain and Zulfiquar Ali s/o. Abdul Majeed 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 29.02.2020; 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 19.03.2020.

On 4th August, 2020 Attorney of the petitioner as well as one of the witnesses, namely, Zulfiquar Ali appeared, while another witness, namely, Ajmal has appeared today. All have affirmed the contents of memo of petition as well as their respective affidavits and also verified 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