

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 450 of 2020

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Date

Order with signature of Judge

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For hearing of amended petition.

18.03.2021

Mr. Muhammad Imran Musani, advocate for petitioner.

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Through the instant petition, petitioner Rizwan has prayed for the grant of Succession Certificate in respect of moveable properties/assets, details whereof are mentioned in the Schedule of Properties attached with the memo of petition, available at page 31, which were left by his deceased father, namely, Altaf Hussain s/o. Allah Rakha, who allegedly died on 20<sup>th</sup> June, 2020 at Karachi, leaving behind him (1) Allah Rakha (father), (2) Roshan Bano (widow), (3) Rozleen (daughter), (4) Rizwan (son/petitioner), (5) Arsalan (son) and (6) Anum Sufyan Mawawla (daughter) as his surviving legal heirs, out of whom legal heir No. 1 also died on 1<sup>st</sup> January, 2021; therefore, his legal heirs, namely, (i) Nasreen Bano (daughter), (ii) Muhammad Anwar (son), (iii) Samina Naz (daughter), (iv) Mubina Shafi (daughter), (v) Shabana Bano (daughter) and (vi) Neelofar (daughter) have been joined in this matter. Original Death Certificate of deceased Altaf Hussain as well as photostat copies of Family Registration Certificate, issued by the NADRA, bank statements and Account Balance report are also filed at page 21, 25 and 37 to 64, while photostat copies of Death Certificate of deceased Allah Rakha is attached with C.M.A. No. 270 of 2021, whereby the petitioner sought amended of the petition.

Legal heirs No. 1(i) to (vi), 2 and 4 to 6 have filed their Affidavits of No-Objection for the grant of Succession Certificate in favour of the petitioner/legal heir No.3. They have also executed Special Power of

Attorney duly authenticated by the Notary Public at Karachi in favour of petitioner/legal heir No.3, which are available on record.

Two witnesses, namely, Muhammad Faisal and Muhammad Sufyan 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 30<sup>th</sup> November, 2020; however, none has filed any objection to the grant of Succession Certificate to petitioner, as per the report submitted by the Deputy Registrar (OS) on 13<sup>th</sup> February, 2021.

On 18<sup>th</sup> February, 2021 petitioner and above named witnesses appeared before this Court and affirmed the contents of memo of petition as well as their affidavits and also verified their signatures made thereon.

Since all the legal formalities/requirements have been fulfilled, there is no impediment in grant of Succession Certificate to petitioner, therefore, the petition is allowed. The office is directed to issue Succession Certificate in respect of movable properties/assets shown in the Schedule of Properties, as per rules.

J U D G E

Athar Zai