

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 451 of 2019

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Date

Order with signature of Judge

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For hearing of main petition.

22.09.2020

Mr. Muhammad Zaman, advocate for petitioner.

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Through the instant petition, petitioners No. 1 to 4, namely, Moomal Shaikh, Miss. Eshaal Basit Sheikh, Miss Menaal Basit Shaikh and Master Muhammad Amsal Sheikh have prayed for the grant of Letter of Administration in respect of immovable property/asset, details whereof are mentioned in the Schedule of Property attached with the memo of petition, available at page 33, which was left by their deceased husband/father, namely, Abdul Basit Shaikh s/o. Abdul Samad Shaikh, who allegedly died on 13.06.2010 at Karachi, leaving behind (1) Moomal Shaikh (widow), (2) Miss. Eshaal Basit Sheikh (daughter), (3) Miss Menaal Basit Shaikh (daughter), (4) Master Muhammad Amsal Sheikh (son), (5) Abdul Samad Shaikh (father) and (Mrs. Kulsoom Begum (mother) as his legal heirs, out of whom legal heir No 5 also died on 10.12.2018; therefore, besides his widow his other legal heirs, namely, (i) Mrs. Sheeba Muhammad Khan Sheikh, (daughter), (ii) Abdul Waris Shaikh (son) and (iii) Mrs. Saima Qawi Shaikh (daughter) have been joined in this matter. Original Death Certificate of deceased Abdul Basit Shaikh and photostat copy of Death Certificate of deceased Abdul Samad Shaikh 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 19, 23, 25 and 41 to 119.

Legal heirs No. 5(i) to 5(iii) and 6 have filed their Affidavits of No-Objection for the grant of Letter of Administration in favour of the petitioner No.1, while legal heirs/petitioners No. 2 to 4 are minors, who are being represented by their mother/petitioner No.1, who has been appointed as their Guardian-ad-Litem by this Court vide order dated 17.01.2020.

Two witnesses, namely, Ali Ahmed s/o. Bisharat Shah and Zeeshan Ali Chaudhry s/o. Muhammad Jamil Chaudhry 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 05.11.2019; 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 21.11.2019.

On 4<sup>th</sup> December, 2019 legal heirs No. 5(i) to 5(iii) and 6 appeared, while above named witnesses have 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 No. 1, 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