## ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

## SMA NO.368/2021

Date	Order with signature of Judge

For hearing of main petition.

## 18.11.2021

Mr. Munawar Khan Qadri advocate alongwith petitioner Humaira Shahid and minors Umm-e-Farwa, Muhammad Zain, Faha, Rafia, Affan and Shifa as well as witnesses Amjad Pervez and Arsalan Haroon.

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Office note dated 04.11.2011 is that :-

"As per contents of petition, the above named deceased expired on 13.06.2020 at Karachi. Original death certificate and family registration are attached in the case file at page No.13-19. The deceased above named left behind the following legal heirs as per petition:-

- 1. Humaira Shahid, widow (petitioner)
- 2. Umm E Farwa, daughter,
- 3. Muhammad Zain, son
- 4. Faha, daughter
- 5. Rafia, daughter
- 6. Affan, son
- 7. Shifa, daughter.

Legal heir No.1 is the petitioner who is widow of deceased. Legal heirs Nos. 2 to 7 are minors.

Counsel for petitioner has filed an Application U/ 0 32 Rule 3 CPC for appointment of petitioner as Guardian-ad-Litem of legal heir Nos.2 to 7 as she is their real mother. None has raised any objection against this application, therefore, the application is accordingly granted and Petitioner is appointed as Guardian-ad-litem of minor legal heirs. Application U/ 0 32 Rule 1 CPC is disposed of in above terms.

Affidavits of two witnesses, namely, (l) Amjad Parvaiz son of Ashraf Ali and (2) Arsalan Haroon son of Muhammad Haroon, are also on record. (Page No.53-59)

As per schedule of properties (Page No. 21) the above named deceased has left two (02) immovable

properties. Photocopies of title documents of Immovable properties are attached in the case file (Page Nos. 27-51) whereas Original documents of immovable property mentioned at Sr. No.1 have been seen and returned whereas original documents of property at Sr. No. 2 are lying with Bank Al-Falah as mortgage.

Publication of petition has been effected in Daily Jang Karachi dated 18.10.2021 but none has filed any objection from any corner."

Since there is no objection from any corner, thus petition is accordingly granted. Let the Letter of Administration be issued in accordance with the Rules. Needless to mention that Letter of Administration would be for the purpose of change of title of the subject matter properties in favour of the legal heirs.

Be that as it may, custodian(s) of the record of rights is/are required to act strictly in accordance with law. In case, the titles of subject matter properties are under clouds in any manner or under adjudication by any Court of law, the Custodian(s) shall not be influenced by the order of this Court.

Needless to mention that properties shall be distributed among all legal heirs.

JUDGE

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