

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 482 of 2019

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Date

Order with signature of Judge

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For hearing of main petition.

19.12.2019

Mr. Khalid Imran, advocate for petitioner.

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Through the instant petition, petitioner Shamim Mohsin 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 pages 27 to 33, which were left by her deceased husband, namely, Muhammad Mohsin Khan s/o. Badar-uz-Zaman Khan, who allegedly died on 10<sup>th</sup> September, 2018 at Karachi, leaving behind (1) Shahmim Mohsin Khan (widow/petitioner), (2) Mehmood Haroon Khan (son) and (3) Huma Khan Ali (daughter) as his legal heirs. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA, Bank Statements, Saving Certificates and Share Certificates are also filed at page 21, 21/A, 23 and 37 to 137.

Legal heir No. 3 has filed her Affidavit of No-Objection for the grant of Succession Certificate in favour of the petitioner and has also executed Special Power of Attorney duly attested by the Notary Public at Karachi in favour of the petitioner, while legal heir No. 2 has executed Special Power of Attorney duly attested by the Consular Attache in the Consulate General of Pakistan at New York, USA in favour of the petitioner, who has also filed Affidavit on No-Objection on his behalf for the grant of Succession Certificate in her favour.

Initially two witnesses, namely, Naheed Yasmeen daughter of Muhammad Masihuddin Khan and Naseem Mumtaz wife of Mumtaz Ali Khan filed their respective affidavits; however, since second witness is hospitalized and unable to appear before this Court affidavit of another witness, namely, Muhammad Nasir s/o. Abdul Latif Khan has been filed today. In their affidavits both the witnesses

have affirmed the fact that there is no other legal heir of the deceased except mentioned above.

Notice of this petition was published in Daily “Jang” Karachi dated 22<sup>nd</sup> November, 2019; 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 5<sup>th</sup> December, 2019.

Today petitioner as well as witnesses, namely, Naheed Yasmeen and Muhammad Nasir 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 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