

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 520 of 2020

Date	Order with signature of Judge
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1. For hearing of main petition.
2. For orders on C.M.A. No. 109/2021 alongwith office objection (as flagged)

08.03.2021

Mr. Mirza Sarfaraz Ahmed, advocate for petitioner.

1. Through the instant petition, petitioner Rehan Ahmed has prayed for the grant of Succession Certificate and Letter of Administration in respect of moveable and immoveable properties/assets, details whereof are mentioned in the Schedule of Properties attached with the memo of petition, available at pages 21 & 21/A, which were left by his deceased mother, namely, Farhat Afza, who allegedly died on 1st September, 2019 at Karachi, leaving behind her seven legal heirs, details whereof are mentioned in paragraph No. 3 of the memo of petition. Original Death Certificate of deceased 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 11 to 15 and 29 to 53, while details of articles lying in Locker No. 4670 maintained by the deceased at Habib Safe Deposit Vault (Pvt.) Ltd. Saddar, Karachi are mentioned in the Nazir' report dated 14th January, 2021.

Legal heirs No. 1 to 3 and 5 to 7 have filed their Affidavits of No-Objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner/legal heir No.4. Legal heirs No. 3, 5 & 7 have also executed Special Power of Attorney duly authenticated by the Notary Public at Karachi in favour of legal heir No. 2, which are available on record.

Two witnesses, namely, Haris Ibrahim and Muhammad Mukhtar 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 1st February, 2021; however, none has filed any objection to the grant of Succession Certificate and Letter of Administration to petitioner, as per the report submitted by the Deputy Registrar (OS) on 18th February, 2021.

On 24th December, 2020 the petitioner and legal heirs No. 1 to 3 and 5 to 7 appeared before this Court, while on 3rd March, 2021 one of the witnesses, namely, Muhammad Mukhtar made his appearance, whereas today another witness, namely, Haris Ibrahim is present before this Court. All have 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 and Letter of Administration to petitioner, therefore, the petition is allowed. The office is directed to issue Succession Certificate and Letter of Administration in respect of movable and immovable properties/assets shown in the Schedule of Properties, as per rules.

2. By means of this application, the petitioner requests for exemption from furnishing two securities/sureties for issuance of Letter of Administration and seeks permission for depositing title documents of the immovable property mentioned in the Schedule of Property, in lieu of surety.

Learned counsel for the petitioner states that the petitioner is not in a financial capacity to arrange the requisite sureties/securities and since none has come forward to contest this matter, in the interest of justice this application may be allowed.

Looking to the fact that despite publication none has raised any objection for the grant of this petition in favour of the petitioner, this application is allowed. Nazir is directed to accept original title documents of the subject immovable property as surety for issuance of Letter of Administration.

Application stands disposed of.

J U D G E

Athar Zai