

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 524 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. 1732/2021.

29.04.2021

Ms. Amna Osman, advocate for petitioner.

1. Through the instant petition, petitioner Adeela Siddiqui 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 Amended Schedule of Properties attached with the memo of petition, available at page 15/A to 15/C, which were left by her deceased father, namely, Dr. Muhammad Suleman, who allegedly died on 2nd July, 2020 at Karachi, leaving behind him six 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, title documents of the immovable property, bank statements, Bebood Saving Certificates are also filed at page 11 to 15 and 23 to 45, while the details of articles lying in Locker No. 575 maintained by the deceased with Faysal Bank Limited, Abdullah Haroon Road Branch, Karachi are mentioned in the Nazir's report dated 23rd February, 2021.

Legal heirs No. 1 & 6 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.3, while legal heirs 2, 4 & 5 have executed Special Power of Attorney duly attested by the Counselor in the High Commission for Pakistan at Singapore, Hon. Consul General in the Consulate General of Pakistan at Connecticut, U.S.A. and Vice Consul (CA) in the Consulate General of Pakistan at Dubai, U.A.E., which are available on record.

Two witnesses, namely, Sylvester Pervaiz and Fouz Khalid Khan 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 10th & 14th April, 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 22nd April, 2021.

Today petitioner and legal heirs No. 1 & 6 as well as above named witnesses 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 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 Amended Schedule of Properties, as per rules.

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

Learned counsel for the petitioner states that the petitioner is not in financial capacity to arrange the requisite sureties 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 Letter of Administration 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