

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 511 of 2019

Date	Order with signature of Judge
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For hearing of main petition.

29.01.2021

Syed Amir Ali Shah Jeelani, advocate for petitioner.

Learned counsel for the plaintiff files, through a statement, certain documents related to the subject property, which are taken on record.

Learned counsel for the petitioner files Amended Schedule of Immovable Property as well as Special Power of Attorney executed by one of the legal heirs, namely, Arif Baig Muhammad in favour of the petitioner, duly authenticated by the Notary Public at Karachi which are taken on record.

Through the instant petition, petitioner Asif Baig Muhammad has prayed for the grant of Letter of Administration in respect of immoveable property/asset, details whereof are mentioned in the Amended Schedule of Property filed today by the learned counsel for the petitioner, which was left by his deceased grandfathers, namely, Hussain Ali Baig Muhammad and Ali Baig Muhammad both sons of Abdu Bakr, who allegedly died on 30th April, 1979 and 5th February, 1999, respectively, at Karachi, leaving behind them following legal heirs:-

1. Legal heirs of deceased Hussain Ali Baig Muhammad

- (i) Hamayoon Baig Muhammad
- (ii) Ms. Muneera Chunoy

2. Legal heirs of deceased Ali Baig Muhammad

- (i) Turham Baig Muhammad
- (ii) Mehmood Baig Muhammad

Since legal heir No. 1(i), namely, Hamayoon Baig Muhammad also died 27th December, 2007 at Baltimore, Maryland, U.S.A., his legal heirs, namely, (a) Asif Baig Muhammad, (b) Arif Baig Muhammad (c) Ms. Ambreen Baig Muhammad and (d) Ms. Aisha Baig Muhammad have been joined in this matter. Original Death Certificates of both the above named deceased issued by the Secretary, Union Committee No. 30, Safora, District East-Karachi as well as photostat copies of Death Certificate of deceased legal heir, namely Hamayoon Baig Muhammad, issued by the Attache (Consular) in the Embassy of Pakistan at Washington, U.S.A., Family Registration Certificate in respect of deceased Ali Baig Muhammad and Humayoon Baig Muhammad, issued by the NADRA and title documents of the immovable property are also filed at page 17, 19, 21 25, 27 and 51 to 81.

Legal heirs No. 1(ii), 2(i), 2(ii) and 1(i)(b) have filed their Affidavits of No-Objection for the grant of Letter of Administration in favour of the petitioner/legal heir No.1(i)(a), while legal heirs No. 1(i)(c) & 1(i)(d) have executed General Power of Attorney in favour of the petitioner duly authenticated by the Consular Attache in the Embassy of Pakistan at Washington, U.S.A., which are available on record.

Two witnesses, namely, Shafqat Ali Khan and Mirza Saad Baig 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 26th November, 2020; 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 17th December, 2020.

On 6th December, 2019 petitioner as well as legal heirs No. 1(ii), 2(i) and 2(ii) appeared before this Court, while today above named witnesses have made their appearance. 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 Letter of Administration to petitioner, therefore, the petition is allowed. The office is directed to issue Letter of Administration in respect of immovable property/asset shown in the Amended Schedule of Property filed today, as per rules.

J U D G E

Athar Zai