

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
SMA NO. 35 / 2016

DATE

ORDER WITH SIGNATURE OF JUDGE

- 1) For orders on CMA No. 1801/2016.
- 2) For orders on CMA No. 1802/2016.
- 3) For orders on CMA No. 1803/2016.
- 4) For orders on Nazir report dated 2.12.2016.

19.12.2016.

Mr. Khawaja Shamsul Islam Advocate for Petitioner.

- 1) Granted.
- 2) Through this application the Petitioner seeks return of the original title documents of the property in question. Learned Counsel submits that after grant of Succession Petition the property has already been mutated in the name of all the legal heirs, whereas, no objection has been raised from any corner, therefore, the property documents may be returned. Along with this application the transfer / mutation order dated 29.11.2016 is annexed, whereas, Nazir has also submitted his report dated 2.12.2016 which confirms that mutation has been carried out in the names of all the legal heirs. In the circumstances, the listed application is allowed. Nazir is directed to return the original documents to the Petitioner on proper identification. Application stands disposed of.

- 3) Through this application the Petitioner has requested to direct the Sub Registrar Clifton Town II, Karachi namely Ashfaq Hussain Shah to transfer the property in the name of purchaser Muhammad Raza S/o Muhammad Rahid or his nominee. Learned Counsel submits that after grant of Succession Petition and issuance of Letter of Administration,

mutation has been affected, whereas, the all the legal heirs had appeared before this Court and presence of some of the legal heirs who reside abroad was dispensed with. He submits that a Power of Attorney duly attested by the Consulate General has been executed to that extent as well. Learned Counsel further submits that this is a case of Succession and property has been mutated in the name of all the legal heirs, therefore, the condition orally imposed by the Sub-Registrar for personal appearance of all legal heirs and or furnishing a registered power of attorney for execution of Sale Deed does not seems to be justified. He has placed on record certain orders passed in SMA No. 38/2010 wherein, under more or less similar circumstances, the Registrar was directed to effect registration of Sale Deed by appearing before the Nazir of this Court.

In view of hereinabove and in the peculiar facts and circumstances of this case, listed application is allowed and the concerned Sub Registrar Clifton Town II, Karachi is directed to effect registration of Sale / Conveyance Deed in the name of the purchaser namely Muhammad Raza S/o Muhammad Rahid or his nominee before the Nazir of this Court within a period of two weeks from today through petitioner. The legal heirs, namely Muhammad Ali Nagaria, and Lubna Khimani (i.e. other than those who have executed Power of Attorney) and the petitioner, however, shall be in attendance before the Nazir on such date. Application stands disposed of.

J U D G E

ARSHAD/