ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

SMA No. 67 of 2010

DATE	ORDER WITH SIGNATURE OF JUDGE

1. For orders on CMA No. 58/2020 (if granted)
2. For orders on CMA No. 59/2020 alongwith office objections as flagged.

28.01.2020.

Ms. Roshan Kashif, Advocate for Petitioner.

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1.   Granted.

2.   This is an application for return of surety documents of property bearing Shop/Office Nos. 1 & 3, Moin Terrace, Modi Street on Plot bearing Survey No.01/18, Survey Sheet No.RY-9, Railway Quarters, I.I Chundrighar Road, Karachi. Learned Counsel for the Petitioner submits that insofar as Office Objection No.1 is concerned, the property in question was owned by the deceased through Sub-Leases and mutation cannot be recorded, which is also reflected from Letter of Assistant Commissioner South, Karachi dated 31.08.1987 attached with the application that they do not maintain the flat-wise / shop-wise record of non-evacuee properties. As to Office Objection No.2, she submits that a proper Power of Attorney in favour of the applicant/legal heir namely Muhammad Ikhlaq Khan has been executed by other legal heirs, who are outside Karachi, whereas, Form-30 & 31 have been complied with.

Insofar as property as above is concerned and for which office objections have also been raised, it appears that the property was

owned by the deceased on the basis of "Sub-Leases" issued by the Builders/Lessee and therefore it cannot be mutated in the record. In the circumstances, and to protect the interest of all the legal heirs and before the original documents could be returned, Nazir is directed to inform the concerned Sub-Registrar that the property mentioned above was owned by the deceased on the basis of Sub-Leases and now the legal heirs are the joint owners of the property in question on the basis of Letter of Administration. Once Nazir has intimated the Sub-Registrar, the original title documents of the property may also be released upon proper identification and verification.

Application stands disposed of.

J U D G E

Ayaz P.S.