

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA NO. 283 / 2010

Date	Order with signature of Judge
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For hearing of CMA No. 262/2015.

22.1.2016.

Mr. Amir Malik Advocate for Petitioner.
Mr. Ejaz Khattak Advocate for DHA.

It appears that Letter of Administration and Succession Certificate was granted vide order dated 7.9.2011 in respect of various moveable and immovable properties / assets of the deceased Malik Sher Muhammad as listed in Schedule(s) "A" & "B" to the succession petition. However, according to the petitioner the property in question i.e. *Bungalow No. 85/IV, 12th Lane, admeasuring 575 Sq. Yds., Phase VII, D.H.A. Karachi*, could not be included in Schedule "B" of immoveable properties filed in the Succession Petition, as the legal heirs were not in possession of the documents and other information in this regard. Subsequently, they have get hold of the documents in question and have filed the listed application.

Notice was ordered on 6.10.2015 on the listed application and publication was made in daily NAWAI WAQT dated 30.11.2015, whereas, all the legal heirs except Mst. Shaista Parveen have sworn their affidavits in person before the Identification Branch of this Court, whereby they have supported the listed application and have given their No Objections. Mst. Shaista Parveen who is reported to be abroad, has given her Power of Attorney in favour of Mr. Kausar Waqar who has already executed his affidavit. The petitioner in support of its submissions has also requested Mr. Muhammad Waqar Shaikh and Mr. Tahir Malik to support his

contention as witnesses who have also come before this Court and have executed their affidavits in the Identification Branch.

On 30.11.2015 DHA was also requested to place its report regarding the current status of the property in question. DHA vide letter dated 28.12.2015 has placed its report on record, whereby, it has been confirmed that as per their record the said property is still mutated in the name of Malik Sher Muhammad deceased being a 'B' Lease property.

The grant of extension to Letter of Administration and Succession Certificate in terms of Section 376 of the Succession Act, 1925, has been dealt with and approved by this Court in the case ***Miss Soonabai Hormusji Patel and Mr. Dhunjishaw Hormusji Patel (PLD 1993 Karachi 619)*** and ***Muhammad Shafiq: In the matter of (PLD 2014 Sindh 541-DB)***.

In the circumstances, since no one has objected, there appears to be no impediment in the grant of listed application which is accordingly allowed and the property bearing *Bungalow No. 85/IV, 12th Lane, admeasuring 575 Sq. Yds., Phase VII, D.H.A. Karachi*, is also included in the Letter of Administration granted vide order dated 7.9.2011 in accordance with rules and on completion of such formalities and submission of securities as were directed in order dated 07.09.2011 while granting the Letter of Administration. Application stands allowed in the above terms.

JUDGE