

ORDER SHEET

HIGH COURT OF SINDH AT KARACHI

SMA No.95 of 2015

Date order with signature of Judge

For Hearing of main application  
(Diary of Dy. Reg. (O.S) dated 02.10.2015 are flagged)  
Statement a/w 2 affidavits of witnesses filed by the petitioner as flagged.  
For order on Nazir’s report dt 2.10.2015 as flagged.

06.11.2015  
Mr. Muhammad Irfan Siddiqui, Advocate for the petitioner.  
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The petitioner Captain (R.) Farooq Dawood Herekar is son of deceased, namely, Mrs. Khushrukhbi Shaikh Dawood Herekar and Shaikh Dawood Ibrahim Herekar who expired on 21.10.1987 and 23.08.2010 respectively at Karachi, who has filed the instant SMA praying for issuance of letters of Administration and Succession Certificate in respect of immovable and movable properties left behind by the said deceased as mentioned in the schedule of property to the petition. The names of the legal heirs left behind by the deceased are as under:

<u>Sr. No.</u>	<u>Name</u>	<u>Relationship</u>	<u>Age/Date of birth</u>
1.	Captain (R.)Farooq Dawood Herekar	Son	67 years
2.	Dr. Arif Dawood Herekar	Son	65 years

Notice of the SMA was served on the legal heir of the deceased and on general public through advertisements published in the daily Express Karachi and Sukkur dated 05.06.2015. None appeared from any quarters to raise objection. There is only one legal heir of the deceased except the petitioner who has filed his affidavit of no objection for grant of Letter of Administration and Succession Certificate in favour of the petitioner. As per the order dated 02.10.2015 passed by this Court legal heir, namely, Dr. Arif Dawood Herekar has recorded his no objection in case Letter of Administration and Succession Certificate are issued in favour of the

petitioner and two witnesses namely, Munir Ahmed Khan and Muhammad Akram were in attendance. They have supported the version of the petitioner by filing their affidavit. Compliance of the order dated 02.10.2015 has also been made by the Deputy Nazir.

Since the legal heir of the deceased has no objection to the issuance of Letter of Administration and Succession Certificate in favour of the petitioner and the independent witnesses have also confirmed that there are no other legal heirs of the deceased except those mentioned above and none appeared from any quarter to raise any objection despite publication of notice, there is no impediment in grant of this SMA. Accordingly, the same is granted and the office is directed to issue Letter of Administration and Succession Certificate in favour of the petitioner, subject to rules.

JUDGE