ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

SMA NO.548/2021

Date	Order with signature of Judge

For hearing of main petition.

02.12.2021

Mr. Abdul Hafeez Khan advocate alongwith Noor Khatoon and Anum Amin (legal heir of Muhammad Amin), Riffat Parveen, Farhat Naz Hussain, Zarka Nighat Hussain and Ayesha Ambreen (legal heirs of Zarina Hussain) as witnesses Wahid Bukhsh and Lutuf Ali.

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Office note dated 18.11.2021 reflects that :-

As per contents of petition, the above named deceased expired on 10.03.2004 at Karachi. Certified copy/photocopy of death certificates and family registration certificates are attached in the case file at page No.21-43. Deceased above named left behind the following legal heirs as per petition:-

- 1. Syeda Faheem Fatima, widow, died, issueless.
- 2. Muhammad Amin, brother:
 - (a) Noor Khatoon, widow, petitioner.
 - (b) Anum Amin, daughter
- 3. Zarina Hussain Yousuf, sister:
 - (a) Dr. Riffat Parveen, daughter
 - (b) Dr. Farhat Naz Hussain, daughter
 - (c) Mst. Zarka Nighat Hussain, daughter
 - (d) Mst. Ayesha Ambreen Hussain, daughter
- 4. Mahjabeen, sister, died issueless.

Legal heir No.2(a) is the petitioner who is sister in law of deceased. All the legal heirs have sworn affidavit of no objection (page Nos.79-97)

Affidavits of two witnesses namely (1) Wahid Bux son of Muhammad Bux and (2) Lutuf Ali son of Muhammad Hashim, are also on record (Page No.99-105).

As per schedule of properties (page No.51) the above named deceased has left one immovable property. Photocopies of title documents of immovable property are attached in the case file (page No.55-77). Original documents of immovable property are lying with the Nazir of this court as surety in SMA No.24 of 2006.

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Publication of main petition has been effected in Daily Jang Karachi dated 01.11.2021, but none has filed any objection from any corner."

Petitioners seek letter of administration with regard to 75% (i.e. 750 square yards) of the subject matter property as mentioned in the schedule of property. Since there is no objection from any corner, accordingly present SMA is allowed in respect of 750 square yards of subject matter property. Let the Letter of Administration be issued in accordance with the Rules. Needless to mention that Letter of Administration would be for the purpose of change of title of the subject matter property in favour of the legal heirs.

Be that as it may, custodian(s) of the record of rights is/are required to act strictly in accordance with law. In case, the title of subject matter property is under clouds in any manner or under adjudication by any Court of law, the Custodian(s) shall not be influenced by the order of this Court.

Nazir shall accept surety as already submitted in SMA No.24/2006.

JUDGE