

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**S.M.A. No. 11 of 2008**

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Date	Order with signature of Judge
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1. For order on CMA No.517/2014
2. For order on Nazir report dated 24.2.2014
3. For order on Nazir report dated 3.5.2014

**18-12-2018**

Mr. Saeed Ahmed, petitioner present in person.

-x-x-x-x-

This application has been filed by Saeed Ahmed, the petitioner praying that original property documents, for the two properties mentioned in the Schedule of the petition, that were retained as surety in these proceedings be returned to him.

2. It appears that this court on 11-8-2008 allowed the petition and ordered that Letter of Administration be issued to the petitioner Saeed Ahmed in respect of the estate of the deceased Basheer Ahmed Chaudhry. The original title documents of two properties mentioned at serial number 2 and 3 of the Schedule of the petition (being LSA (R-2), Block 13/D/2, KDA Scheme No. 24, Gulshan-e-Iqbal and Sub Plot No. FL-5/D-3, Block 13-B, Improvement Scheme No. 24, Karachi) were deposited as surety by the petitioner on 2-9-2008. On 2-10-2013, this Court had granted the petitioner permission to sell the properties.

3. The office has raised two objections. First that mutation of the properties has not been effected in the name of the legal heirs of the deceased. The learned counsel for the petitioner has clarified that both the properties have indenture of sub-leases as title documents and that mutation cannot be effected as the builder of the properties, who is entitled to effect the mutation, cannot be traced. This indeed has been a problem with shops and apartments. Let the Nazir of this Court write a letter to the concerned Registrar of Lands confirming to him the names of the heirs of the deceased in terms of the Letter of Administration and that no transfer should be made on the property except in the names of the said legal heirs. The second objection raised is that the Affidavits of No objection for the return of documents of the legal heirs is not on record. This objection too appears to have been complied with on 3-9-2016.

4. In view of the above, once the Nazir has written to the concerned Registrar of Lands, there appears to be no impediment in return of the original documents of the properties that were deposited as surety at the time of the issuance of the Letter of Administration. Office to do the needful.

JUDGE