

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
S.M.A. No. 595 of 2021

Abir Samad Viqar s/o Viqar Samad
 VS

In the matter of Letter of Administration & Succession Certificate of the Estate of
 Mr. Viqar Samad (Deceased)

Date	Order with Signature(s) of Judge(s)
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1. For orders on C.M.A. No. 224/2023.
2. For hearing of main petition.

27.01.2023

 Mr. Basil Nabi Malik, Advocate for petitioner.

ORDER

1. Urgency application is granted.

2. This main petition for Succession Certificate and Letter of Administration was filed in respect of assets left by deceased Viqar Samad. He survived by a widow (Athiya Nasreen Viqar), mother (Fazal Khatoon Bi), a son (Abir Samad Viqar) and a daughter (Safa Mariam Viqar). During pendency of this petition Fazal Khatoon Bi, i.e. the mother of the deceased, also passed away. From the assets/share that she derived from her son and also if she had her own which would again devolve amongst her legal heirs i.e two more legal heirs of deceased Fazal Khatoon Bi. The petitioner was previously allowed to file amended title instead of amended petition; hence, the share of two additional legal heirs is not disclosed. They would separately file such share certificate at the time when the Succession Certificate and Letter of Administration would be prepared. Affidavits of two witnesses have been filed. One of the witness i.e. Syed Safdar Abbas Naqvi s/o. Syed Mushtaq Hussain was present at the relevant time; however, as of now he has proceeded abroad and instead affidavit of another witness Fazil Naveed s/o. Fazil Nazeer is filed who is in attendance alongwith witness Muhammad Usman s/o. Muhammad Khursheed Ahmed. Rest of the legal

heirs have also filed their respective affidavits of no objection, which were perused. Title documents of property at serial No. 1 are available at page 55, title documents of property at serial No. 2 are available at page 97, whereas title documents of third property i.e. Plot No. 351, Sector 14-A, measuring 125 square yards, D.H.A. City, Karachi are available at page 137. As far as investment account is concerned it is disclosed at serial No. 1 of the movable property and account statement is available at page 139, whereas statement of account in respect of bank accounts disclosed at serial No. 2 & 3 are available at pages 143-149.

The witnesses in presence, disclosing the facts as mentioned in the memo of petition to be true and correct. They have shown their identity by showing their original CNICs. The legal heirs 1, 3 and 4 and legal heirs of Fazal Khatoon Bi (Legal heir No: 2 since deceased) namely Imtiaz Samad and Fahmina Irshad are also in attendance. They have shown their identity by producing their original CNIC/Passport, which are seen and returned.

Since public notice has also been issued in Daily newspaper having wide circulation and no objections have been received from any corner whatsoever, hence there is no impediment in allowing this petition for Succession Certificate and Letter of Administration. Let Succession Certificate and Letter of Administration be granted as per normal terms and conditions including surety of the equivalent amount, as required under the law.

Petition stands disposed of in above terms.