

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. 255 of 2021**

Date	Order with signature of Judge(s)
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For hearing of main petition

25.09.2024

Mr. Abbadul Hasnain, advocate, for the petitioner

Syed Mesum Abbas, Petitioner, legal heir No.4 CNIC No.42101-1869350-1
Syeda Najma, legal heir No.1, CNIC No.42101-1730113-0
Syeda Batool Abidi, legal heir No.2, CNIC No.42101-5748041-0
Syeda Aliya Talib, legal heir No.3, CNIC No.42101-8027885-8
Syed Dilawar Abbas Abidi, legal heir No.5, through his attorney legal heir No.6
Syed Azhar Abbas legal heir No.6, CNIC No.42101-0458171-9
Syed Ibne Hassan, legal heir 7, CNIC No.42101-3138488-1

Witness No.1, S.M. Noorulain Abidi CNIC No.42101-0386074-7
Witness No.2, Talib Raza, CNIC No.42101-2415280-3

Per the Report / Order dated 29.02.2024 of the Deputy Registrar (OS) ("Report"), he has satisfied himself that all requisites to the hearing of the main petition, including its publication, have been fulfilled and no objection thereto has been received, therefore, the main petition shall be determined in terms herein.

This is a petition under Sections 372 and 278 of the Succession Act, 1925, praying for Letter of Administration and Succession Certificate in respect of the estate of late Syed Qamar Haider Abidi ("Deceased"). Per the Report, the Deceased expired on 21.01.2021 at Karachi and that the petitioner and legal heirs No.1 to 3 and 5 to 7 are the legal heirs of the deceased. The legal heir no. 5 has executed his power of attorney in favour of the legal heir No.6. The death certificate and family registration certificate are stated to have been examined by the Deputy Registrar and are also available on file. The Report records the affidavits of two witnesses, which are also on file. The Report further records that estate of the deceased comprised (04) immoveable properties and a bank account, copies of title documents whereof are available on file, while the original in such regard was seen and returned. The Report also records that the publication of the main petition had been effected in the daily Jang, Karachi dated 16.04.2021 but no objection has been received from any corner in such regard. The Report demonstrates that after having satisfied himself with the completion of the requirements, the Deputy Registrar has forwarded the matter to court for hearing of the main petition.

In view of the foregoing, it appears that all the requisites have been completed to the satisfaction of the Deputy Registrar and there appears to be no impediment to the grant hereof, therefore, this petition is hereby allowed. The office is directed to issue letters of administration, in respect of the immovable properties recorded in the Reports, and succession certificate, in respect of the moveable properties recorded in the Reports, as per Rules.

Learned counsel submits on oral motion that the petitioner may be permitted to deposit the original/verified title documents of the immovable properties as security for the grant of the letters of administration as it would be virtually impossible to secure the said instrument through any other means. The request appears to be reasonable and is hereby granted.

This petition stands allowed in terms herein contained.

Judge

Amjad