ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI S.M.A. 57 of 2024

Date

Order with signature of Judge(s)

For hearing of main petition

26.11.2024

Mr. Abdallah Azzaam Naqvi, advocate, for the petitioner

Muhammad Yahya, Petitioner, legal heir No.1 CNIC No.42201-0493015-7 Najma Bano, legal heir No.2 CNIC No.42201-0427750-2 Maria Talha, legal heir No.3, CNIC No.42201-8801008-8

Osairim legal heir No.4 Omaima legal heir No.5 Owaisha legal heir No.6 Onaisa Talha legal heir No.7

Through their mother / guardian ad-litem legal heir No.3

Witness No.1, Mohsin Qasim Ganatra, CNIC No.42201-9598294-1 Witness No.2, Muhammad Yameen, CNIC No.42101-2917360-5

Per the Reports / Orders dated 17.10.2024 and 07.11.2024 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 278 and 372 of the Succession Act, 1925, praying for Letter of Administration and Succession Certificate in respect of the estate of late Talha Yahya ("Deceased"). Per the Report, the Deceased expired on 26.10.2022 at Karachi and that the petitioner and legal heirs No.2 and 3 have sworn their affidavit of no objections in favour of the petitioner, whereas legal heirs 4 to 7 are minors and legal heir No.3 was appointed as guardian ad-litem. 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 (02) immoveable properties, (01) motor vehicle and investment with Meezan Investment Management Limited. 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 05.10.2024 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 letter of administration, in respect of the immovable properties recorded in the Report, and succession certificate, in respect of the moveable assets recorded in the Report, as per Rules.

Learned counsel submits on oral motion that the petitioner may be permitted to deposit the original title documents of the immovable properties as security for the grant of the letter 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