

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

S.M.A. No.339 OF 2017

In the matter of  
Deceased Zahoor Ahmed  
Samia Zaman (petitioner)

Date	Order with signature of Judge
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1. For orders on office objection on main petition a/w reply of counsel (Flag 'A')

2. For hearing of main petition

[DR (OS) diary dated 6.9.2018, 17.3.2022 and 17.09.2022]

**Dated: 20.10.2022**

Mr. Taimur Ahmed Qureshi for petitioner.

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1) Applying the principle of Radd, in the light of pronouncements in the case of Saadullah<sup>1</sup>, Fahmina Butt<sup>2</sup>, Mst. Shah Jahan Begum<sup>3</sup>, Ms. Anam Jawed<sup>4</sup> and Amina Anwar<sup>5</sup> and since no objections are available, the office objection is over ruled.

2) Petitioner Samia Zaman has applied for grant of Letter of Administration in respect of estate (described in the Schedule of Immovable properties) of her father late Zahoor Ahmed, who is shown to have died intestate on 08.07.1984. Death certificate is attached at Page 11 of the file. Petitioner states that the deceased left behind legal heirs named in paragraph 3 of the petition as his surviving legal heirs. In support of the instant SMA, photocopy of the FRC is attached at Page-13 which reflects that those listed in paragraph 3 of the petition are the surviving legal heirs of the deceased.

The deceased has left behind one property i.e. Plot No.90, 21<sup>st</sup> Street, Phase-6, DHA Karachi, measuring 1000 sq. yards, documents of which are available as Annexure 'D' page 23. The title whereof was verified by Additional Director, Transfer & Record, DHA, Karachi, vide letter dated 16.02.2022.

<sup>1</sup> Saadullah v. Gulbanda (2014 SCMR 1205)

<sup>2</sup> Fahmina Butt (2018 MLD 2079)

<sup>3</sup> Mst. Shah Jahan Begum v. Zafar Ahmed (PLD 2018 Lahore 426)

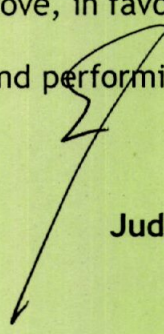
<sup>4</sup> Unreported order of this Court in the case of Ms. Anam Jawed in SMA No.315/2019

<sup>5</sup> Unreported order of this Court in the case of Amina Anwar in SMA 377/2018

Petitioner who is also present in Court has filed her affidavit to the effect that the deceased had no other legal heir except those stated in paragraph 3 of the petition. The remaining four legal heirs have executed their respective Special Power of Attorney in favour of the petitioner who has also filed separate affidavits of no objection on behalf of these legal heirs as being their attorney. Two witnesses namely (1) Muhammad Arif son of Muhammad Illyas, and (2) Khalid Mahmood son of Altaf Ahmed, have also filed their duly sworn affidavits to the effect that the deceased had left behind only the above mentioned legal heirs.

The publication in the present matter has been made in daily "Jang", Karachi and "The News" dated 31.03.2018 inviting the objections, but none has come forward to contest this S.M.A.

Since the petitioner is legal heir of the deceased and despite publication in widely circulated newspapers, nobody has appeared to raise any objection, I see no impediment in granting this petition, which is accordingly allowed. Let the Letter of Administration be issued in respect of the immovable property left by the deceased, as mentioned in the Schedule of Immovable Properties and mentioned above, in favour of the petitioner upon proper verification, identification and performing all codal formalities.



Judge