

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

SMA No.98/2016

Date Order with signature(s) of Judge(s)

1. For hearing of CMA No.1086/2016
2. For hearing of main petition.

05.10.2016

Mr. Moiz Ahmed, Advocate alongwith petitioner Muhammad Dawood Farooqui and out of eight, seven legal heirs also present in Court except Mst. Hajra Humayun, at serial No.4 in the List of Lrs.

Through instant petition, petitioner Muhammad Dawood Farooqui S/O deceased Muhammad Talha Farooqui has applied for issuance of Letter of Administration in respect of the Properties left by deceased Muhammad Talha Farooqui, who died intestate on **17.09.2009** at Karachi. Original death certificate of deceased is placed on the record.

The deceased has left the following legal heirs: -

- | | | |
|----|--------------------------|----------|
| 1. | Mst. Abida Begum | widow |
| 2. | Mst. Raisa Begum | widow |
| 3. | Muhammad Dawood Farooqui | son |
| 4. | Ms. Hajra Humayun | daughter |
| 5. | Ms. Aisha Talha | daughter |
| 6. | Ms. Sarah Talha | daughter |
| 7. | Ms. Javeria Talha | daughter |
| 8. | Muhammad Yahya Talha | son |

Photostat copy of Family Registration Certificate issued by NADRA also available on record.

It is stated that no application has been moved to any Court and no certificate of any kind, probate or letter of administration in respect of assets mentioned in schedule of properties and there is no impediments for the grant of the letter of administration.

As per schedule of properties deceased has left behind three properties, as mentioned in the schedule of property.

Affidavits of two independent witnesses namely Ahmed Bilal Farooqui son of Nur-ul-Ameen Farooqui and Zain-ul-Abideen Qureshi

are also available on record. So far as the legal heir namely Ms. Hajra Humayun, listed at serial No.4 in the list of legal heirs who is not present in Court today is concerned, her mother says that she has already filed affidavit of no objection before the Court.

Publication of main petition has been effected in daily "JANG" dated **23.04.2016** in its Karachi, Lahore and Rawalpindi editions inviting objections, if any, however, no one has come forward to raise any objection.

The petitioner also filed an application (CMA No.1086/2016) praying therein that he may be allowed to make amendment in the petition, as the Capital Development Authority, Islamabad had allotted a Flat No.B-4. Block No.67, Sector 1-15, Islamabad to the deceased. Subsequently, after filing of this suit, the Capital Development Authority, Islamabad vide its letter dated **08.6.2016** has offered a plot bearing Plot No.14, Street No.64, Sector 1-15/2, Islamabad, which was accepted by all the legal heirs. On the said application, this Court vide order dated **18.8.2016** has ordered for fresh publication, which has also been effected in daily "JANG" dated **04.09.2016** and in daily "THE NEWS" dated **11.09.2016** inviting objections, if any, however, no one has come forward to raise any objection. The said letter is also available on record, therefore, application (CMA No.1086/2016) is allowed.

All the formalities required under the law have been completed. Two independent witnesses also affirmed through their affidavits that legal heirs mentioned in paragraph-3 of the petition are the only legal heirs of deceased, as such there is no impediment in the grant of this SMA, which is accordingly granted as per rules.

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