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

## SMA NO.108/2017

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Date Order with signature of Judge

For orders on CMA No.1231/2017.

## 17.08.2017

Syed Abid Hussain Shirazi advocate alongwith Shirin, Fazal Mehmood Rehmatullah and Jalaluddin.

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Petitioner has applied for letter of administration in respect of the estate of the deceased Shamsuddin Ali Bhai who died in USA on 10.06.2013 but he was the permanent resident of Karachi. Names of the legal heirs are mentioned in para-3 of the petition. Though in this case the petitioner is Nooruddin Ali Bhai but due to ill health he executed power of attorney in favour of one of the legal heirs Shirin Hasnani, similarly other legal heirs have also executed general power of attorney in favour of Shirin Hasnani but they have also submitted their affidavits of no objection duly attested by relevant Consulate General of Pakistan in Houston and Toronto. Schedule of property is available in the file at page 15 while in Schedule "B" it is stated that the property is not mortgaged with any financial institution and it is free from all encumbrances.

2. The diary of Deputy Registrar (0.S) dated 18.05.2017 reflects that all requisite formalities have been complied with, the publication was also effected in Daily Jang Karachi on 24.04.2017 but no objection has been received to the grant of petition. Though diary of Deputy Registrar (O.S) reflects the names of two witnesses as Ebrahim S. Suteria and Rahim Karim Lakhani but the counsel for the petitioner states that these two witnesses are also out of country so he has filed the affidavits of two more witnesses substituting

earlier witnesses. The witnesses Fazal Mehmood Rehmatullah and Jalaluddin both are also present in Court and have testified that the petitioner has rightly mentioned the names of all legal heirs in the petition.

3. At the request of petitioner's counsel the main application was taken up for hearing on urgent motion. After complying with all requisite formalities, I do not feel any impediment for the grant of this petition. Petition is allowed. Office may issue letter of administration in the name of petitioner as per Rules.

Petition is disposed of.

JUDGE

ΙK