

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No.247 of 2017

Mst. Faiza Muslim

Petitioner

In respect of the estate of:
Muhammad Muslim Siddiqui

Deceased

Date of hearing: 07.3.2018

Date of Order: 07.3.2018

Mr. Raheel Samsam, Advocate a/w legal heirs

ORDER

Adnan Iqbal Chaudhry, J. Per the Diary/ Order dated 22.02.2018 of the Deputy Registrar (OS), 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. I, therefore, received to deal with the main petition.

This is an application/ petition under Sections 278 and 372 of Succession Act, 1925, praying for Letters of Administration and Succession Certificate in respect of the estate of late Muhammad Muslim Siddiqui son of Muhammad Nazim (hereinafter “the Deceased”), who passed away intestate at Karachi on 08.02.2017 where he last resided. Per learned counsel, the Deceased was a Sunni Muslim. The petitioner is the daughter of the Deceased. The Death Certificate of the Deceased is on record. Per the petition, at the time of his demise, the Deceased was, and continues to be survived by the following legal heirs, all of whom are adults:

<u>S.#</u>	<u>Names</u>	<u>Relationship</u>	<u>D.O.B</u>
1.	Mst. Firdous Jahan	Widow	18.5.1954
2.	Mst. Faiza Muslim	Daughter	08.2.1978
3.	Mst. Amna Gul Muslim	Daughter	12.4.1979
4.	Mst. Samina Muslim	Daughter	11.11.1980
5.	Mst. Sehar Muslim	Daughter	22.11.1983
6.	Muhammad Usman Usmani	Son	24.6.1987
7.	Asma Muslim	Daughter	29.01.1982

A Family Registration Certificate (FRC) issued by NADRA on 22.5.2017 is on record to demonstrate the kinship between the Deceased and the said legal heirs.

The estate of the Deceased for which this petition is filed is listed in two Schedules annexed to the petition at pages 29 and 33, which comprises of one shop, four bank accounts and lease rentals of the said shop owed to the Deceased, which lease rentals are accumulating with Sindh Bank Limited (the lessee of the shop) for want of a Succession Certificate. Copy of the title documents of the shop being a sub-lease dated 13.02.1979 is on record (page 41). Statements of the four bank accounts are also on record (pages 71 to 79). Copy of the lease agreement between the Deceased and Sindh Bank Limited in respect of the shop is also on record (page 63).

The petition is supported by the affidavit of the petitioner and the other legal heirs have filed affidavits of no objection, which on behalf of Mst. Samina Muslim is signed by her Attorney the petitioner, Mst. Faiza Muslim. The Power of Attorney executed by Mst. Samina Muslim is at page 115. Affidavits of third-party witnesses namely Mr. Shariq Mubeen and Mr. Fahad Bin Tariq, have also been filed attesting to the contents of the petition. Except for Mst. Samina Muslim and Mst. Asma Muslim, all are present in Court today. Mst. Samina Muslim and Mst. Asma Muslim are represented in Court by their Attorney, the petitioner. The Power of Attorney given by Mst. Asma Muslim to Mst. Faiza Muslim, the petitioner, is at page 107/B.

In view of the foregoing, I see no impediment to grant of this petition. Therefore, issue Letters of Administration and Succession Certificate to the petitioner **as per Rules** for the following purposes:

- (a) for effecting mutation of the shop of the Deceased (mentioned in the Schedule at page 29) to the names of the legal heirs mentioned above in accordance with shares prescribed to them under Muhammadan Law;
- (b) for collecting the bank balances mentioned in the schedule at page 29 and distributing the same to the legal heirs mentioned above in

accordance with shares prescribed to them under Muhammadan Law;

- (c) for collecting the lease rentals of the aforesaid shop from its lessee/tenant (presently Sindh Bank Limited) and distributing the same to the legal heirs mentioned above in accordance with shares prescribed to them under Muhammadan Law – to do so until the said shop is mutated to the names of the legal heirs, whereafter, the lease rentals shall be payable to and receivable by the legal heirs directly from the lessee of the shop in accordance with their shares in the said shop.

The Petition stands allowed in the above terms.

JUDGE

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