

*Order Sheet*

IN THE HIGH COURT OF SINDH, KARACHI

SMA No. 17 /2018

Date	Order with signature of Judge
------	-------------------------------

Syed Zain Abbas.....Petitioner

In the matter of Syed Shahid Abbas  
Son of Syed Hasan Raza Zaidi.....Deceased

Date of hearing: 22.02.2018

Mr. S. Masroor Ahmed Alvi, Advocate for the Petitioner

ADNAN IQBAL CHAUDHRY, J.- Per the diary dated 15.02.2018 of the Deputy Registrar (OS), he has satisfied himself that all requisites to the hearing of the main petition, including publication of the SMA, have been fulfilled and no objection to its grant has been received. I, therefore, proceed to deal with the main petition.

This petition under Section 278 of the Succession Act 1925, is for Letters of Administration for (i) Shop No.1, ground floor, admeasuring 432 sq. ft, which constitutes one-fifth of one-fourth undivided share in Plot No. 16-C, Shahbaz Lane No.2, Phase VI, Phase-V, DHA, Karachi, (hereinafter ‘the Subject Shop’); and (ii) for the debt of group insurance lying with the Pakistan Navy Benevolent Association; being the properties of late Syed Shahid Abbas son of Syed Hasan Raza Zaidi (hereinafter ‘the Deceased’), a Shia Muslim, who passed away intestate at Karachi on 04.10.2017 where he last resided. The death certificate of the Deceased is on the record, so also his CNIC. Per paras 4 and 5 of the petition, at the time of his demise, the Deceased was, and continues to be survived by a son (Syed Zain Abbas, the petitioner), a widow (Yasmeen Shahid), a daughter (Zainab Abbas), and his father (Syed Hasan Raza Zaidi). A Family Registration Certificate issued by NADRA is on record to

demonstrate the kinship between the Deceased, his widow and his children. Copy of title documents of the Subject Shop, being a registered Sale Deed dated 22-11-2013 in favour of the Deceased is on record. Copy of a letter dated 18-10-2017 by the Pakistan Navy Benevolent Association informing the widow of the group insurance owed to the Deceased, is also on record. The petition is supported by the affidavit of the son (Syed Zain Abbas – present in Court), who is also Attorney for the Deceased’s daughter (Zainab Abbas, who is stated to be residing in Barcelona), and the Deceased’s father (Syed Hasan Raza Zaidi, who is stated to be residing in Illinois, USA). Power of Attorneys executed by both the said legal heirs abroad, duly attested at the respective Consulates, are on record. The widow (Yaseem Shahid – present in Court) has filed an affidavit of no-objection. Third-party witnesses namely Mr. Fahad Adnan Khan and Mr. Sharafuddin Memon are present in Court with their CNICs and have given affidavits verifying the contents of the petition to be true and correct, which are on record.

In view of the foregoing, I see no impediment to the grant of this petition. Accordingly, this petition is allowed *albeit* with the following exceptions. Letters of Administration be issued to the petitioner **as per Rules** (a) for effecting mutation of the Subject Shop (mentioned in Schedule A to the petition) to the names of all legal heirs of the Deceased in accordance with shares prescribed to them under Shia Muslim Personal Law; (b) for collecting the proceeds of the group insurance mentioned in Schedule B to the petition and for distributing the same amongst all legal heirs of the Deceased in accordance with the shares prescribed to them under Shia Muslim Personal Law.

JUDGE