

Order Sheet

IN THE HIGH COURT OF SINDH, KARACHI

SMA 354 /2017

Date	Order with signature of Judge
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Zahid Rahim.....Petitioner

In the matter of Shaukat Rahim
widow of Fazal Rahim (Late).....Deceased.

Mr. Sattar A. Pirzada, Advocate for the Petitioner

ADNAN IQBAL CHAUDHRY, J.- Per the diary dated 24.01.2018 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 House No.11/2, Khayaban-e-Janbaz, Phase-V, DHA, Karachi, measuring 1071 square yards (hereinafter ‘the Subject Property’), being the property of late Shaukat Rahim widow of Fazal Rahim (hereinafter ‘the Deceased’), a Sunni Muslim, who passed away intestate at Karachi on 09.10.2015 where she last resided. The death certificate of the Deceased is on the record, so also her CNIC. Per the petition, at the time of her demise, the Deceased was survived by a son (Zahid Rahim, the petitioner), a daughter (Shaheen Rahim), and another son (Khalid Rahim). Per the petition, one son of the Deceased, namely Khalid Rahim, passed away after the Deceased on 12.08.2017 and since he had no children and had divorced his wife in the year 1991, his legal heirs become his siblings Zahid Rahim (the petitioner) and Shaheen Rahim, who are

already on record. The death certificate of Khalid Rahim is on record, so also a certificate of cancellation of his marriage during his lifetime. A Family Registration Certificate issued by NADRA is on record to demonstrate the kinship between the Deceased and the legal heirs on record. Copies of title documents of the Subject Property, being Form "B" Lease executed by the DHA in favour of the Deceased are also on record. The petition is supported by the affidavit of the petitioner (Zahid Rahim) while the other legal heir (Shaheen Rahim) has filed an affidavit of no-objection. Third-party witnesses namely Mr. Moin Jamal Abbasi and Mr. Ghulam Mustafa appeared before the Affidavit & Identity Branch of this Court and gave affidavits verifying the contents of the petition to be true and correct, which are on record. Both legal heirs and one of the third-party witnesses (Ghulam Mustafa) are present in Court today alongwith their CNICs. The other third-party witness namely Mr. Moin Jamal Abbasi is reported to be abroad. However, since he also happens to be a known Advocate of this Court and had appeared before the Affidavit & Identity Branch of this Court as stated above, I dispense with his presence.

In view of the foregoing, I see no impediment to the grant of this petition. Accordingly, this petition is allowed. Letters of Administration be issued to the petitioner as per Rules for the Subject Property mentioned in Schedule C to the petition.

JUDGE