

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
S.M.A. No.149 of 2016

Date	Order with signature of Judge
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1. For orders on CMA No.557/2018
2. For orders on CMA No.558/2018

13-03-2018

Mr. Sarfraz Ali Metlo, Advocate for the Petitioner.

1. Urgent application filed by the petitioner is granted.
2. Vide order dated 16.2.2018 this petition was allowed as per rules. Learned counsel submits that one immovable property is mentioned in the schedule but the original title documents have lost. He pointed out that earlier on the directions of this court he submitted photocopy of transfer/mutation order of plot No.B-190, Block-3, Scheme No.36, Gulistan-e-Johar, Karachi mutated in the name of Sardar Ghulam Mustafa Khan Bhugti so that the letter of administration may be issued on the basis of this verified transfer/mutation order. However, he submits that the Nazir may be directed to get the property mutated in the names of legal heirs. Before mutation the Nazir is appointed Commissioner to obtain the certified true copy of title documents of the aforesaid property for which the petitioner may apply to the concerned authority and fulfill all requisite formalities. After obtaining certified true copy of the documents, the Nazir will issue notice to all legal heirs

as to whether they want mutation or desirous to sell the property. If they want to sell out this property the Nazir may sell the same according to prevailing market value and the respective shares will be paid by the Nazir from the sale proceeds to all legal heirs on proper verification and identification. The expenses for publication will be borne by the legal heirs. The legal heirs will also have right to match the highest bid. So far as the moveable properties are concerned, for this purpose learned counsel submits that the Nazir may be appointed Commissioner to withdraw the amount from the Banks and distribute the shares amongst the legal heirs according to Shahriah. All details of Bank Accounts shall be submitted by the petitioner to the Nazir, thereafter, the Nazir will withdraw the amount and issue notice to all the legal heirs for the release of their share according to Shahriah. The Nazir shall also prepare the proper Accounts. The Nazir fee shall be Rs.1,00,000/- which will be recovered proportionately from the shares of all legal heirs.

Judge