

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**S.M.A. No.263 of 2017**

<b>Date</b>	<b>Order with signature of Judge</b>
-------------	--------------------------------------

For orders on CMA No.1862/2017

30.11.2017

Mr. Qadir Hussain Khan, Advocate for the Petitioner.

Petitioner Kaneez Fatima and other legal heirs Naveed Ahmed, Junaid Ahmed and Danish Ahmed are also present.

Witnesses Malik Muhammad Yousuf and Ameer Ali are also present.

---

In fact according to schedule of property the deceased only left the moveable properties, so the petitioner was required to file petition for grant of succession certificate but the learned counsel filed this petition under Section 278 for grant of letters of administration and succession certificate both. In the diary sheet dated 2.11.2017 of Deputy Registrar (O.S), he has also written that original documents of immovable property have already been seen and returned. When I saw that this discrepancy, I called upon the counsel for the petitioner to satisfy and also called the Deputy Registrar (O.S). Learned counsel in the first round made a request for making some correction in the petition in his own handwriting and Deputy Registrar (O.S) also admitted his mistake and he filed fresh report in the same date by deletion of the sentence that original documents of immoveable property have already been seen and returned by the undersigned.

After deletion of sentence i.e. “while original documents of immoveable property have already been seen and returned by the undersigned.”, and the correction made by the counsel for the petitioner, this petition is confined only to the succession certificate.

Petitioner Kaneez Fatima and other legal heirs Naveed Ahmed, Junaid Ahmed and Danish Ahmed are present in court whereas two witnesses Malik Muhammad Yousuf and Ameer Ali are also present and their affidavits are available on record. The publication was made in the newspaper but nobody has filed any objection. The report of the Deputy Registrar (O.S) is clear. Since all formalities have been complied with and there is no impediment to grant of this petition therefore, this petition is allowed. Office may issue succession certificate to the petitioner on execution of personal bond.

Judge

ns