

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

S.M.A. No.363 of 2017

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For orders on CMA No.438/2018

28.02.2018

Mr.Muhammad Haseeb Jamali, Advocate for the Petitioner.
Petitioner Ayesha Kundi present along with legal heirs Amina
Nayyer Asif and M.Suleman Aziz.
Sadia Adnan Aziz wife/attorney of legal heir M.Adnan Aziz is
also present.

Two witnesses Shafiq M.Hussain and Sadia Habib Khan are
also present.

Urgent application filed by the petitioner is granted.

Legal heirs A. Anwar Aziz (Andre Aziz,) and Tanveer Siddique
and M.Adnan Aziz are being represented by their attorneys
which have already been examined by Deputy Registrar (O.S).

This petition for grant of letter of administration has been
filed for the estate left by the deceased Cdr.(R) Mohammad
Abdul Aziz. On 07.02.2018 the Nazir was appointed
Commissioner to contact D.H.A. and verify the title
documents of the property mentioned in Schedule-A at page-
17 for the reasons that the petitioner had lost the original
title documents of the property. Nazir has submitted his
report on 27.2.2018 in which he has stated that the D.H.A.
has verified the title of the deceased by a separate letter but
in the meanwhile, the petitioner has also produced the title
documents which were earlier misplaced. Along with report
he has also attached a copy of verification letter issued by

D.H.A. copy of transfer order and Form-A sub-lease produced by the petitioner before the Nazir and the Nazir has made endorsement 'original seen and returned.'

The diary sheet of Deputy Registrar (O.S) shows that the publication of main petition was effected in the daily Jang Karachi dated 23.12.2017 but nobody has filed any objection. He raised the objections that FRC to be filed and proper title documents to be produced. Learned counsel submits that legal heir A.Anwar Aziz (Andre Aziz) has not visited Pakistan since 1990s, therefore, he does not possess any Pakistani identity document issued by NADRA. He was born in U.K. and he is a permanent resident and National of U.K., therefore, FRC was declined by NADRA, however his name is mentioned in the list of legal heirs. He further submits that the title documents were produced before the Nazir, which has been already verified. Learned counsel for the petitioner is directed to produce original title documents before the concerned Deputy Registrar (O.S), thereafter, the letter of administration may be issued as per rules.

Judge

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