

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
S.M.A. NO. 47/2019

Date	Order with signature of Judge
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BEFORE:
Mr. Justice Arshad Hussain Khan.

Aamir Mumtaz Khan Petitioner
Mumtaz Ahmed Khan Deceased

FOR HEARING OF MAIN CASE

09.04.2019.

Syed Tariq Arif Ali Shah advocate for petitioner

ARSHAD HUSSAIN KHAN, J.- The petitioner through the instant SMA seeks grant of letters of administration in respect of immovable property left by deceased Aamir Mumtaz Khan s/o Mumtaz Ahmed Khan who died on 31.05.2015 at Karachi. The deceased died intestate and at the time of his death left behind the following legal heirs:-

1.	Mst. Talat M. Zafar	Daughter
2.	Sohail Mumtaz Khan	Son
3.	Mst. Riffat Mumtaz	Daughter
4.	Asif Mumtaz Khan	Son
5.	Aamir Mumtaz Khan	Son

Legal heir No.5 is the petitioner and son of the deceased. All the legal heirs have filed their respective affidavits of no objection in favour of petitioner. Legal heirs No.4 has executed Power of Attorneys in favour of the petitioner.

3. The affidavits of two independent witnesses namely, (1) Muhammad Youns s/o Muhammad Yousuf and (2) Muhammad Rafiq s/o Muhammad

Yaseen are also available on record, which support the contention of the petitioner.

4. The legal heirs No.1 to 3 and 5 and independent witness are present in Court, have admitted and acknowledged the contents of their respective affidavits of no objection in favour of the petitioner.

5. The deceased at the time of his death left behind the immoveable properties which are mentioned in the **Schedule of Properties (Annexure “F” at 23 of this petition)**. Record also shows that the publication of the main petition has been effected in “**Daily Jang & Kawish**” Karachi dated 18.02.2019 but none has appeared and filed any Objection in this regard. Hence, the matter emerged as non-contentious one, therefore, in my opinion, there is no legal impediment to grant the present SMA. Accordingly, this SMA is allowed as per Rule. However, since this matter is non-contentious one, therefore, the petitioner would be at liberty to deposit the original title documents of the immoveable property of the subject proceedings with the Nazir of this Court as surety as well as execute personal bond in the like amount for issuance of letter of administration.

The instant SMA No.47 /2019 is disposed of.

JUDGE