

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
S.M.A. NO. 72 /2019

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

Salman Hussain Siddiqui ..... Petitioner  
Sarfaraz Hussain Siddiqui .....Deceased.

FOR HEARING OF MAIN CASE

09.04.2019.

Rai Mansab Ali advocate for petitioner  
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**ARSHAD HUSSAIN KHAN, J.-** The petitioner through the instant SMA seeks grant of letters of administration in respect of immovable property left by deceased Sarfaraz Hussain Siddiqui s/o Muzaffar Hussain Siddiqui who died on 13.10.2010 at Karachi. The deceased died intestate and at the time of his death left behind the following legal heirs:-

i.	Mrs. Naseem Ara	Widow
ii.	Adnan Hussain Siddiqui	Son
iii.	Sadaf Sarfaraz	Daughter
iv.	Salman Hussain Siddiqui (Petitioner)	Son
v.	Sara Khan	Daughter

Legal heir No.iv 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 Nos.i, ii, iii & v have executed Power of Attorneys in favour of the petitioner.

3. The affidavits of two independent witnesses namely, (1) Muhammad Siddique s/o Asmatullah and (2) Muhammad Javed s/o Ayub Hussain

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

4. The legal heir (petitioner) 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 only immovable property which is mentioned in the **Schedule of Property (at 19 of this petition)**. Record also shows that the publication of the main petition has been effected in “**Daily Jang**” Karachi dated 26.02.2019 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 immovable 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.72/2019 is disposed of.

JUDGE