

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No.431 of 2018

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

1. Ghazala Saleem
2. Aslam Pervaiz Petitioners

- Saleem Ahmed. Deceased

25.04.2019

Mr. Farooq Akhtar Shaikh advocate for the petitioner

ARSHAD HUSSAIN KHAN, J: The petitioners through instant SMA seek grant of letters of administration in respect of immovable property, left by deceased Saleem Ahmed son of Noor Ahmed, who died intestate on 29.06.2018 at Karachi leaving behind following legal heirs:-

Sr. #	Name of legal heirs	Relationship with deceased
01	Mst. Ghazala Saleem (petitioner No1)	Widow
02	Ms. Iqra Saleem	Daughter
03	Mst. Tahira Rafi	Sister
04	Mst. Shahnaz Saleem	Sister
05	Mst. Noor Jahan	Sister
06	Mst. Saira Mohsin	Sister
07	Mst. Shaheena Sabir	Sister
08	Imran Asim	Brother

2. Since the deceased did not have any male issue, therefore, along with his widow and daughter the deceased's brother and sisters have also been arrayed in the list of legal heirs, as mentioned above.

Per learned counsel, inadvertently the name of petitioner No.2 could not be mentioned in the list of legal heirs annexed to the instant petitioner.

3. The legal heir at Sr. No.1 is petitioner No.1 also widow of deceased, and said Aslam Pervaiz son of Noor Ahmed is petitioner No.2 and brother

of deceased. The legal heirs No.2 is daughter, whereas legal heirs No.3 to 8 are sisters and brother of deceased. The legal heirs No.3,4 & 8 have executed their power of attorneys in favour of the petitioner in respect of grant of instant SMA. While, legal heirs No.2, 5, 6 & 7 have sown their affidavit of “No objection” in favour of the petitioners.

3. The affidavits of two independent witnesses namely; (1) Muhammad Sohail son of Muhammad Suleman and (2) Aziz-ur-Rehman son of Abdul Rehman are also available on the record, which support the case of the petitioner.

4. The deceased at the time of his death left behind immovable property, detail whereof is mentioned in the Schedule of Property (at Page 31). Record also shows that the publication of the main petition has been affected in Daily Jang Karachi dated 26.12.2018 but none has appeared. 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 Rules. However, since this matter is non-contentious one, therefore, the petitioners 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.

S.M.A No.431 of 2018 is disposed of in above terms.

JUDGE