

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No.29 of 2018

Order with signature of Judge(s)

- For hearing of main petition
[DR (OS) Diary dated 22.03.2018]

14.09.2018

Mr. Javaid Iqbal, Advocate alongwith petitioner and legal heirs Omain Hafiz and Mst. Tahira Hafiz.

Petitioner Omair Hafiz has applied for grant of Letter of Administration and Succession Certificate in respect of estate (described in the Schedule of properties) of his father late Ehsan Hafiz, who is shown to have died intestate on 12.02.2011 through the original death certificate attached at Page 17. Petitioner states that the deceased left behind two legal heirs named in paragraph 4 of the petition as her surviving legal heirs. In support of the instant SMA, photocopy of the FRC is attached at Page-19 which reflects that those listed in paragraph 4 of the petition are the surviving legal heirs of the deceased. Photocopies of documents pertaining to the following immovable properties forming part of the Schedule are also provided between pages 29 to 71:-

1.	Office bearing No.14, 3 rd . Floor on Plot No.BC/5, Block-7, KDA Scheme No.5, Clifton, Karachi.
2.	House bearing No.39, Street Phase-V, DHA Khayaban-e-Momin, Karachi.

In addition to the above immovable properties, the deceased has also left moveable properties consisting of shares of PICIC, Pak Suzuki Motors Co. Ltd and Muslim Commercial Bank, copies of which are filed at pages 73 to 121.

In this connection, Office Note of the Deputy Registrar (O.S) dated 22.03.2018, which provides as under is worth reproducing:-

“As per contents of petition, the above named deceased expired on 12.02.2011 at Karachi. Original death certificate and family registration certificate are attached in the case file at page No.17-19. The deceased above named left behind the following legal heirs:-

1	<i>Omar Hafiz</i>	<i>Son (petitioner)</i>
2	<i>Mst. Tahira Hafiz</i>	<i>Widow</i>

Legal heir No.1 Omar Hafiz is the petitioner and son of the deceased. Legal heir No.2 has sworn affidavit of No objection in favour of the petitioner (Page No.111-115).

Affidavits of two witnesses, namely, (1) Aslam Hafiz son of Hafiz-ur-Rehman and (2) Asim Hussain son of Iftikhar Hussain, are also on record. (Page No.117-123).

As per schedule of properties (Page No.21-23), the above named deceased has left two (2) immovable properties and share of different companies. Photocopy of title documents and shares certificates are attached in the case file (Page No.29-121) while original documents of immovable property have been seen and returned by the undersigned.

Mr. Javaid Iqbal learned Counsel for the petitioner is present along with petitioner and legal heirs.

Publication of main petition has been effected in daily Jang, Karachi dated: 02.02.2018 but none has filed any objection from any corner. Copy of publication is available on the record.”

Petitioner himself has filed his affidavit to the effect that the deceased had no other legal heir except those stated in paragraph 4. The legal heir Tahira Hafiz is also present in the Court and has re-affirmed contents of her Affidavits of No objection as well as that of the petitioner.

Two witnesses namely (1) Aslam Hafiz son of Hafiz-ur-Rehman and (2) Asim Hussain son of Iftikhar Hussain, who have filed their duly sworn affidavits to the effect that the deceased had left behind the above mentioned legal heirs, have also appeared before this Court and re-affirmed contents of their affidavits.

The publication in the present matter has been made in daily “Jang”, Karachi dated 02.02.2018 inviting the objections, but none has come forward to contest this S.M.A.

Since the petitioner is legal heir of the deceased and despite publication in a widely circulated newspaper, nobody has appeared to raise any objection, the petition is allowed. Let the Letter of Administration and Success Certificate be issued in respect of the immovable and moveable properties left by the deceased, as mentioned in the Schedule of Immovable Properties available at Pages No.21 to 23 of the petition upon proper verification, identification and the petitioner having deposited nothing but the original title documents of the Scheduled properties and upon executing a personal bond with one surety equal to the value of the assets.

Be that as it may, custodians of the record of rights are required to act strictly in accordance with law. In case title of the Scheduled properties is under clouds in any manner or under adjudication before any Court of law or before any other forum, relevant fora shall not be influenced by this order of the Court.

JUDGE