

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No.60 of 2018

Order with signature of Judge(s)

- For hearing of main petition
[DR (OS) Diary dated 15.03.2018]

14.09.2018

Mr. Shab Alam for petitioner.

Petitioner Muhammad Junaid Tariq has applied for grant of Letter of Administration in respect of estate (described in the Schedule of Immovable property) of his father late Muhammad Zarrar Ahmed, who is shown to have died intestate on 08.12.2007 through the original death certificate attached at Page 15. Petitioner states that the deceased left behind nine legal heirs named in paragraph 3 of the petition as his 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 3 of the petition are the only surviving legal heirs of the deceased. Photocopy of documents pertaining to the immovable property i.e. Plot No.E-12, Rafah-e-Aam Cooperative Housing Society, Malir Halt, Karachi forming part of the Schedule are also provided between pages 29 to 66.

In this connection, Office Note of the Deputy Registrar (O.S) dated 15.03.2018, which provides as under is worth reproducing:-

“As per contents of petition, the above named deceased expired on 08.12.2007. Original death certificate and family registration certificate are attached in the case file at page No.15-19. The deceased above named left behind the following legal heirs as per petition:-

1	Yasir Mehmood	Son
2	Kashif Mehmood	Son
3	Muhammad Saqib	Son
4	Arif Mehmood	Son
5	Muhammad Asim	Son

6	<i>Muhammad Mohiuddin Aamir</i>	<i>Son</i>
7	<i>Muhammad Junaid Tariq</i>	<i>Son (Petitioner)</i>
8	<i>Huma Roohi</i>	<i>Daughter</i>
9	<i>Kaneez Mustafa</i>	<i>Widow</i>

Legal heir No.7 Muhammad Junaid Tariq is the petitioner and son of the deceased. Legal heirs No.1, 3, 4, 5 and 8 have sworn affidavit of No objection in favour of the petitioner, while legal heirs No.2, 6 and 8 have executed Power of Attorney in favour of petitioner duly attested by Consulate General of Pakistan, Dubai, Embassy of Pakistan, Riyadh and Notary Public Karachi. (Page No.67-109).

Affidavits of two witnesses, namely, (1) Aman Ahmad son of Najamul Hasan Jafri and (2) Anwar Ahmad son of Niaz Ahmed are also on record. (Page No.111-117).

As per schedule of properties (Page No.21), the above named deceased has left (01) one immovable properties. Original title documents of immovable property have been seen and returned by the undersigned while photocopies are attached in the case file (Page No.29-65).

Mr. Shab Alam 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: 23.02.2018 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 3. The legal heirs namely Yasir Mehmood, Muhammad Saqib Mehmood, Arif Mehmood, Muhammad Asim and Huma Roohi affected their appearance on 29.03.2018 and have reaffirmed contents of their Affidavits of No Objection as well as those of the petition. Legal heirs namely Kashif Mehmood, Mohiuddin Aamir and Kaneez Mustafa have executed their respective Power of Attorneys in favour of the petitioner.

Two witnesses namely Aman Ahmad and Anwar Ahmed, who have filed their duly sworn affidavits to the effect that the deceased had left

behind only the above mentioned legal heirs, were also present on 29.03.2008 and re-affirmed contents of their affidavits.

The publication in the present matter has been made in daily “Jang”, Karachi dated 23.02.2018 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 be issued in respect of the immovable property left by the deceased, as mentioned in the Schedule of Immovable Properties 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