

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 228 of 2018

Order with signature of Judge(s)

- For hearing of main petition
[DR (OS) Diary dated 30.08.2018]

19.09.2018

Mr. Ghulam Ali Khan, Advocate alongwith Petitioner

Petitioner Ms. Huma Wakeel has applied for grant of Succession Certificate and Letter of Administration in respect of estate (described in the Schedule of properties) of her husband late Wakeel-ur-Rehman, who is shown to have died intestate on 11.11.2017, the original death certificate of the deceased attached at Page-29 who left behind five legal heirs named in paragraph 2 of the petition. In support of the instant SMA, photocopy of the FRC is attached at Page-43, which reflects that these are the only surviving legal heirs of the deceased. Photocopies of documents pertaining to the following immovable properties as well as movable assets forming part of the Schedule are also provided between pages 59 to 83:-

1.	Plot No.F-124/5, Sector 31-E, Lucknow Co-operative Housing Society Limited, having membership No.439, Allotment order No.1131, dated 29-05-1997, measuring 120 square yards
2.	The deceased has also left certain payables to him by his employer ICI Pakistan Ltd./AkzoNobel

In this connection, Office Note of the Deputy Registrar (O.S) dated 30.08.2018, which provides as under is worth reproducing:-

“As per contents of petition, the deceased expired in Karachi on 11.11.2017. Original death certificate and family registration certificate are attached in the case file at page No.29-41. The deceased above named left behind the following legal heirs as per petition:-

1	Huma Wakeel	Widow (Petitioner)
2	Khadija Wakeel	Daughter (Minor)
3	Sami-ur-Rehman	Son (Minor)
4	Faseh-ur-Rehman	Son (Minor)
5	Musfar Wakeel	Son (Minor)

*Legal heir No.01, is the petitioner and widow of the deceased.
Legal heir Nos.02 to 05 are minors.*

Counsel for petitioner has also filed an Application U/O 32 Rule1 CPC for appointment of Petitioner as Guardian-ad-Litem of legal heir Nos.2 to 5 as she is their real mother. None has raised any objection against this application, therefore, the application is accordingly granted and Petitioner is appointed as Guardian-ad-Litem of her minors namely (1) Khadija Wakeel (2) Sami-ur-Rehman (3) Faseh-ur-Rehman and (4) Musfar Wakeel. Application U/O 32 Rule 1 CPC is disposed of in above terms.

Affidavits of two witnesses, namely, (1) Muhammad Younis son of Maqbool Khan and (2) Muhammad Faisal son of Hussain Saleem, are also on record (Page No.85-95).

As per schedule of properties (Page No.45) the above named deceased has left One (01) immovable property, bank account and service benefits. Photocopies of title documents, confirmation of service benefits issued by the employer are attached in the case file (Page No.59-83) while Original documents of immovable property have been seen and returned by the office.

Mr. Ghulam Ali Khan learned Counsel for the petitioner is present along with Petitioner.

Publication of main petition has been effected in daily Jang, Karachi dated: 04.07.2018 but none has filed any objection from any corner. Copy of publication is available on the record.”

Petitioner herself has filed her affidavit to the effect that the deceased had no other legal heir except those stated above. The Petitioner Ms. Huma Wakeel, mother of the minors Khadija Wakeel, Sami-ur-Rehman, Faseh-ur-Rehman and Musfar Wakeel has been appointed their Guardian-ad-Litem.

Two witnesses namely (1) Muhammad Younis son of Maqbool Khan and (2) Muhammad Faisal son of Hussain Saleem, who have filed their duly sworn affidavits to the effect that the deceased had left behind only 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 04.07.2018 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 Succession Certificate and Letter of Administration be issued in respect of movable as well as immovable properties left by the deceased, as mentioned in the Schedule of Properties upon proper verification, identification and the Petitioner having deposited the original documents of the immovable property. Minors' shares shall be deposited with the Nazir of this Court and the same be invested into Government profit bearing scheme, but the Petitioner who has been appointed as Guardian-ad-Litem of the minors (legal heir Nos.2 to 5) shall be entitled to collect/receive monthly profit to be accrued thereon, for the welfare and maintenance of the minors till they attain majority, at which point of time their respective share and any interest accrued thereon after they having attained majority shall be released upon proper verification and identification.

JUDGE