

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 168 of 2018

Order with signature of Judge(s)

- For hearing of main petition
[DR (OS) Diary dated 06.09.2018]

24.09.2018

Mr. Shamsheer Abbas Ch. Asghar, Advocate alongwith Petitioner

Petitioner Mst. Rubina Shahid has applied for grant of Succession Certificate in respect of assets (described in the Schedule of properties) of her husband late Shahid Ibrahim, who is shown to have died intestate on 28.09.2017, the original death certificate of the deceased attached at Page-17, leaving behind seven legal heirs named in paragraph 3 of the petition as his only surviving legal heirs. In support of the instant SMA, photocopy of the FRC is attached at pages 21 & 23, which reflects that these are the only surviving legal heirs of the deceased. Photocopies of bank statements pertaining to the following movable assets forming part of the Schedule are also provided between pages 29 and 31:-

1.	The deceased was operating Saving account No.0330100136918026, maintained with Faysal Bank, Abdullah Haroon Road Branch, Saddar, Karachi, Code No.0330, amountingU.S. Dollar 190,880.05/-
2.	The deceased was operating Saving Account No.0098002019022615, maintained with MCB Bank, Gole Market Branch, Nazimabad Karachi amounting to.....Rs.28,179.55/-

In this connection, Office Note of the Deputy Registrar (O.S) dated 06.09.2018, which provides as under is worth reproducing:-

“As per contents of petition, the deceased expired in Karachi on 28.09.2017. Original death certificate and family registration certificate are attached in the case file at page No.17-21. The deceased above named left behind the following legal heirs as per petition:-

1	Mst. Kulsoom Jan	Mother
2	Mst. Rubina Shahid	Widow (Petitioner)
3	Mst. Anam Shahid	Daughter
4	Mst. Sadaf Shahid	Daughter
5	Yaseen Shahid Sethi	Son

6	Novera Shahid	Daughter
7	Mubeen Shahid Sethi	Son (Minor)

Legal heir No.02, is the petitioner and widow of the deceased. All legal heirs have filed affidavit of No objection in favour of petitioner (Page No.33-61) except legal heir No.7 who is a minor. Counsel for petitioner has also filed an Application U/O 32 Rule 1 CPC for appointment of Petitioner as Guardian-ad-Litem of legal heir No.7 as she is his 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 Mubeen Shahid Sethi. Application U/O 32 Rule 1 CPC is disposed of in above terms.

Affidavits of two witnesses, namely, (1) Iqbal Ibrahim son of Allah Ditta Sethi (2) Khuwaja Atif Munir Ahmed son of Khuwaja Hafiz Munir Ahmed, are also on record (Page No.63-69).

As per schedule of properties (Page No.27) the above named deceased has left two (02) bank accounts. Photocopies of bank statements are attached in the case file (Page No.29-31).

Mr. Shamsher Abbas 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: 28.04.2018 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 in paragraph 3 of the petition. The legal heir Mst. Kulsoom Jan, Mst. Anam Shahid, Mst. Sadaf Shahid, Mr. Yaseen Shahid Sethi and Ms. Novera Shahid are present in the Court and have re-affirmed contents of their Affidavits of No objection as well as that of the petition. The Petitioner Mst. Rubina Shahid, mother of the minor Mubeen Shahid Sethi has been appointed his Guardian-ad-Litem.

Two witnesses namely (1) Iqbal Ibrahim son of Allah Ditta Sethi and (2) Khuwaja Atif Munir son of Khuwaja Hafiz Munir, 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 28.04.2018 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 be issued in respect of movable assets left by the deceased, as mentioned in the Schedule of Properties upon proper verification, identification and the Petitioner upon executing a personal bond with one surety equal to the value of the assets, provided however that minor's share shall be deposited with the Nazir of this Court and the same be invested by him in Government's special savings certificates.

JUDGE

Barkat Ali, PA