

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 240 of 2009

Order with signature of Judge(s)

- For orders on CMA No.1290/2018
[u/s 279 & 278 of Succession Act, 1925]

27.09.2018

Mr. Javed Asghar Awan, Advocate for the Petitioner

Through the instant application a prayer is made that amended Letter of Administration in respect of property No.5/E, 7th Central Street, Phase-II, DHA, Karachi, measuring 619 square yards be issued. Learned counsel for the Petitioner submits that the Letter of Administration was granted by this Court in favour of four legal heirs on 11.01.2010 for the estate left by the deceased (Nafees Fatima) and the aforementioned property was being mutated in the name of all legal heirs, however during this exercise, legal heir No.1 namely Ghulam Kibria expired on 24.02.2018 (copy of death certificate is attached at page-15 of the application), hence, amended Letter of Administration be issued in favour of following three legal heirs:-

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|-------------------------------|---|------------------|
| 1. Mr. Khalid Murtaz Mustafa, | - | Son (Petitioner) |
| 2. Ms. Farah Ziauddin | - | Daughter |
| 3. Ms. Rana Hussain | - | Daughter |

Photocopies of documents pertaining to the following immovable property are also provided between pages 17 to 39.

1.	No.5/E, 7 th Central Street, Phase-II, DHA, Karachi
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Petitioner namely Mr. Khalid Murtaz Mustafa, who has filed his sworn affidavit to the effect that the deceased Nafees Fatima had left behind only the above mentioned legal heirs, has also appeared before this Court and re-affirmed contents of his affidavit. Two legal heirs namely Ms. Farah Ziauddin and Ms. Rana Hussain, 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 as well as do not object for granting Letter of Administration in favour of the Petitioner.

Two witnesses namely (1) Syed Viqar Hussain son of Syed Iqtidar Hussain and (2) Afaq Jamal Hussain son of Nasir Hussain, 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.

Since the Petitioner/Applicant is legal heir of the deceased and publication in a widely circulated newspaper had already been made on which no objections were filed, the instant application is granted. Upon deposit of the earlier granted Letter of Administration/Succession Certificate by the Petitioner/Applicant, office is directed to issue a revised Letter of Administration in favour of the Petitioner/Applicant in respect of the presently surviving legal heirs for the subject property upon proper identification and verification, and having the Petitioner/Applicant deposit the original documents of the said property with the Nazir (unless the same is still with the Nazir), and upon executing a personal bond with one surety equal to the value of the estate.

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 said property 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