

Order Sheet

IN THE HIGH COURT OF SINDH, KARACHI

SMA No. 312 of 2017

Date	Order with signature of Judge
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Sobia Jasim
widow of Jasim Rasool Petitioner

In the matter of:
Jasim Rasool
son of Ch. Ghulam Rasool Deceased

Date of hearing: 22.02.2018

Mr. Allah Warayo Khan, Advocate for the Petitioner

ADNAN IQBAL CHAUDHRY, J.- Per the diary/order dated 8.02.2018 of the Deputy Registrar (O.S.), he has satisfied himself that all requisites to the hearing of the main application, including its publication, have been fulfilled and no objection thereto has been received. I, therefore, proceed to deal with the main application.

This is an application under Sections 278 and 372 of the Succession Act 1925 praying for Letters of Administration and Succession Certificate in respect of the estate of late Jasim Rasool son of C. Ghulam Rasool (hereinafter 'the Deceased'), who passed away intestate at Karachi on 24.08.2017 where he last resided. The petitioner is the widow of the Deceased. On the query of the Court she stated that the Deceased was a Sunni Muslim. The death certificate of the Deceased is on the record, so also his CNIC.

Per the application, at the time of his demise, the Deceased was and continues to be survived by the following legal heirs:

1. Sobia Jasim, widow, the petitioner
2. Rahim Rasool, son
3. Ravia Rasool, daughter
4. Bakhtawar Rasool, daughter (minor)

A Family Registration Certificate (FRC) issued by NADRA on 22.09.2017 is on record to demonstrate the kinship between the Deceased and the said legal heirs.

The estate of the Deceased for which this application is filed, is listed in the Amended Schedule dated 11.01.2018 (at page 17/A) which

comprises of both immovable and movable properties. Copies of title documents of the immovable properties are on record, and per the diary of the Deputy Registrar, the originals thereof were seen. As regards the movables, which comprise of three bank accounts, statements of such accounts are annexed to the Nazir's Report dated 26-12-2017 which he had called from the banks pursuant to order dated 8.11.2017.

The application is supported by the affidavit of the petitioner, who is also guardian *ad-litem* for the minor legal heir (Bakhtawar Rasool). The other legal heirs (Rahim Rasool and Ravia Rasool) have filed affidavits of no-objection to the grant of the application. Affidavits of third-party witnesses namely, Mr. Nabeel Rauf and Mr. Muhammad Munaf, are on record attesting the status of the legal heirs. All had appeared before the Affidavit & Identity Branch of this Court to give affidavits. The presence of the legal heirs and the third-party witnesses in Court was recorded in the orders dated 16.2.2018 and 21.2.2018.

In view of the foregoing, I see no impediment to the grant of this application insofar as Letters of Administration are sought for immovable properties. Thus Letters of Administration be issued to the petitioner **as per Rules** for effecting mutation of the immovable properties of the Deceased listed in the Amended Schedule dated 11.01.2018 (at page 17/A).

However, as regards the prayer for a Succession Certificate for the bank accounts is concerned, I deem it appropriate, also for the reason that one of the legal heirs is a minor, to appoint the Nazir of this Court to administer the bank accounts of the Deceased by calling for / collecting the bank balances mentioned in the Amended Schedule dated 11.01.2018 (at page 17/A); by distributing the share therein of the adult legal heirs (at serial 1 to 3 above) directly to them; and by retaining the share of the minor legal heir (at serial 4 above) until further orders. For such assignment, the fee of the Nazir is fixed at Rs. 15,000 to be deducted from the bank balances before distribution.

Main application stands granted in the above terms.

JUDGE