

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**SMA No.232 of 2016**

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<b>Date</b>	<b>Order with signature of Judge</b>
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- 1.For further orders.
- 2.For orders on CMA No.1442/2018.
- 3.For orders on CMA No.1803/2018.

**29.10.2018**

Mr. Fayyaz Ahmed, Advocate for the Petitioner  
a/w Petitioner Mst. Huma Khalid and two  
legal heirs Ghufran Khalid and Sohaib Khalid.

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1. The petitioner had filed this petition for letter of administration/succession certificate of the estate left by deceased Khalid Mumtaz. This petition was fixed for hearing of main petition on 18.10.2017 before the learned Judge of this court when it was allowed as per rules and for completing some other formalities, the Nazir of this court was directed to take necessary steps so that the properties left by the deceased are distributed amongst the legal heirs in accordance with their respective shares in the inheritance. The learned counsel argued that on one hand the orders were passed for issuing letter of administration but on the other hand directions were given to the Nazir to distribute the properties which in fact made the purpose of grant of letter of administration meaningless and redundant. He has further pointed out that for the purposes of two properties i.e. Plot No.398, D.H.A., Karachi

and Plot No.C-8, Phase III-B, Sangar Housing Project, Gwadar it was decided among the legal heirs that these two properties shall be transferred in the name of petitioner through deed of relinquishment but the petitioner as well as two other legal heirs Ghufran Khalid and Sohaib Khalid submit that the idea of deed of relinquishment could not be worked out. Now the learned counsel has moved CMA No.1442/2018 under Section 151 CPC with the prayer that the order dated 18.10.2017 may be modified and the petitioner may be granted letter of administration as well as succession certificate as per rules. In support of this application, the affidavits of petitioner Mst. Huma Khalid and one other legal heir Ghufran Khalid have been filed today in court whereas for the same purpose CMA No.1803/2018 is also pending with the supporting affidavit of Sohaib Khalid. In my view, once all the formalities have been completed, the right course was to grant succession certificate and letter of administration in the non-contentious matters to the petitioner for the distribution of shares amongst all legal heirs with regard to the properties left by the deceased Khalid Mumtaz and there was no need to engage Nazir with any task to be exercised which can be done easily by the petitioner.

2. As a result of above discussion, the previous orders are modified to the extent that the succession certificate for

the movable properties may be issued to the petitioner on the basis of furnishing personal bond and so far as the letter of administration is concerned, the same may be issued as per rules. According to the Deputy Registrar (O.S) report, all original documents of movable and immovable properties have been seen and returned by him as mentioned in the schedule of properties.

3. At this juncture, the learned counsel for the petitioner submits that it would not be possible for the petitioner to furnish surety in lieu of letter of administration and requests that the original documents of the properties mentioned in the schedule may be allowed to be deposited with the Nazir of this court. Order accordingly. The CMA No.1442/2018 and CMA No.1803/2018 are disposed of in the above terms.

Judge

Asif

