

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

SMA No.32 of 2020

Date	Order with Signature of Judge(s)
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1. For orders on CMA No.507/2020.
2. For hearing of main petition.

**20.03.2020**

Mr. Abdur Rahman, advocate for the petitioner.  
Ms. Tushna D. Kandawalla Mirza, legal heir No.2 and attorney of the petitioner and legal heir No.3.  
Mr. Reza Ali Mirza, witness to the will.

1. Upon request of the learned counsel, dismissed as withdrawn.
2. This is a petition for probate under section 276 of the Succession Act, 1976 ("Act"). The report of the Deputy Registrar dated 27.02.2020 ("Report") demonstrates that all requirements in respect hereof have been completed and publication has also been effected, to which no objections have been received. Legal heir 2, who is also the attorney of the petitioner / legal heir 1 and legal heir 3, and witness are present before the Court.

Learned counsel draws attention to the affidavits of the legal heirs, represented by attorney, and submits that their absence today is on account of the prevalent health exigency, however, files original powers of attorney, empowering the legal heir 2 to act on their behalf, in such regard which are taken on record. Learned counsel further submits that per Section 281 of the Act, where the application is for probate, the petition is required to be verified by at least one of the witnesses to the will and that the said requirement has been satisfied. Those present reaffirm contents of the petition and the respective affidavits.

In view hereof, it appears that this is a non-contentious matter and there is no impediment to the grant hereof, hence, this petition is hereby allowed. The office is directed to issue probate, in respect of the will subject matter herein, as per the Rules.

Learned counsel submits, upon oral motion, that the petitioner / executor may be permitted to deposit the original/verified title documents, of the underlying immovable properties, as security for the grant of the probate as it would be virtually impossible to secure the said instrument through any other means. The legal heir / attorney present conveys the consent of the legal heirs to the submission articulated before the court. The request appears to be reasonable and is hereby granted.

JUDGE