

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No.144 of 2020

Date	Order with signature of Judge
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BEFORE:
Mr. Justice Arshad Hussain Khan.

Obaid ur Rehman Petitioner

Shaikh Abdul Salam Deceased

30.09.2020

Mr. M. Usman Alam advocate for the petitioner

ARSHAD HUSSAIN KHAN, J.- The petitioner through instant SMA seeks to grant of letter of administration and succession certificate in respect of the properties left by deceased Shaikh Abdul Salam son of Muhammad Ashfaq who died intestate on 03.06.2017 at Karachi and left behind the following legal heirs:-

1.	Chaman Begum	Widow
2.	Tasneem Bano	Daughter
3.	Muhammad Yahya Chawla	Son
4.	Ayesha Khalid	Daughter
5.	Muhammad Suleman Chawla	Son
6.	Obaid ur Rehman	Son
7.	Aliya Faizan	Daughter

2. In the present petition, the surviving legal heir No.6 above is son and petitioner as well. The legal heirs No.1 to 5 & 7 are widow, sons and daughters of deceased who have filed their affidavits of No Objection to the grant of present petition.

3. The affidavits of two independent witnesses namely; (1) Mehmood Ahmed Usmani son of Irshad Ahmed Usmani and (2) Malik Mohammad Aslam son of Anwar Khan are also available on the record, which support the contents of the petition.

4. The legal heirs and the independent witnesses present in Court have admitted and acknowledged the contents of their respective affidavits in support of the present petition.

5. The deceased at the time of his death left behind properties, details whereof are mentioned in the Schedule of Properties (at Pages 17-19). Record also shows that the publication of the main petition has been effected in "Daily Jang" Karachi dated 04.09.2020 but none has appeared and filed any objection. In this regard, report of Deputy Registrar (O.S) dated 17.09.2020 is also available on the record.

In the circumstances, the matter has emerged as non-contentious one, therefore, in my opinion there is no legal impediment to grant the present SMA. Accordingly, this SMA is allowed as per the Rule. However, since this matter is non-contentious one, therefore, the petitioner would be at liberty to deposit the original title documents of the immoveable property of the subject proceedings with the Nazir of this Court as surety as well as execute personal bond in the like amount for issuance of letter of administration. Whereas, succession certificate be issued upon execution of P.R. Bond in the like amount to the satisfaction of Nazir of this Court.

JUDGE

MUSHARRAF ALI P.A

