

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 190 of 2015

Date	Order with signature of Judge
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For hearing of main petition.

28.03.2018

Mr. Chaudhry Muhammad Saleem-uz-Zaman, advocate for petitioner.

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**1.** Petitioner Mrs. Anna Maria Pinto wife of Melvyn Pinto has filed this petition under Section 276 of the Succession Act, 1925 for the grant of Probate of the Will dated 08.07.2013 in her name in respect of moveable properties including debts, securities and share as well as one immovable property left/ owned by deceased Robert Carrasco s/o. John Carrasco, which are described in Schedule of Properties attached to the petition at Page Nos. 25 to 97.

**2.** It is stated in the petition that the said deceased died on 16.01.2014 at Karachi, while his parents, brothers and sisters died long ago before his death, whereas his wife, namely, Libania Carraso also died on 30.04.2014 and from the wedlock they had no issue and the petitioner is daughter of deceased's wife; as such, she is step daughter of the deceased. It is also stated in the petition that the deceased in his life time had executed a Will on 08.07.2013 (copy thereof is available at page No. 19 to 23 of the memo of petition) by appointing his wife as executor, wherein it is clearly mentioned that in case his wife expires, her elder daughter i.e. the petitioner shall be the executor of his Will. The original Will has been produced by the petitioner's counsel under statement dated 29.09.2016 in compliance of order dated 14.04.2016.

**3.** Affidavits of witnesses of Will, namely, Victor Paul Vallozo s/o. J.C. Vallazo and William s/o. David were not filed with the petition, as they were not traceable. However, on Court's notice it was reported by the concerned SHO that one of the witnesses, namely, Victor Paul Vallozo has expired on 25<sup>th</sup> February, 2014, while other witness, namely, William does not reside at the given address. Hence, none of the two witnesses of the Will is procurable for the purpose of verification.

**4.** Notice of this petition was published in Daily "Express" Karachi dated 04.01.2016 & 08.03.2016 and daily "The News" Karachi dated 08.03.2016; however, none has filed any objection to the grant of this petition, as per the reports submitted by the Deputy Registrar (OS) on 21.01.2016 and 31.03.2016.

**5.** Since all other legal formalities/ requirements have been fulfilled, there is no impediment in grant of probate to the petitioner as the executor of the Will, therefore, the petition is allowed. The office is directed to issue probate in respect of movable properties including debts, securities and shares as well as immovable property as per details disclosed in the Schedule of Properties attached to the petition, as per rules.

J U D G E

Athar Zai