

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 102 of 2021

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

13.04.2021

Mr. Muhammad Mustafa Hussain, advocate for petitioner.

Through the instant petition, petitioner Major (Rtd.) Azam Ali Shaida has prayed for the grant of Succession Certificate and Letter of Administration in respect of moveable and immovable properties/assets, details whereof are mentioned in the Schedule of Properties attached with the memo of petition, available at page 25, which were left by his deceased father, namely, Wing Commander (Rtd.) Hashim Ali Shaida, who allegedly died on 21st December, 2020 at Karachi, leaving behind him three legal heirs, details whereof are mentioned in paragraph No. 2 of the memo of petition. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA, title documents of the immovable property, bank statements, Behbood Saving Certificates and share certificates are also filed at page 15, 23 and 33 to 181.

Legal heirs No. 1 & 3 have filed their Affidavits of No-Objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner/legal heir No.2, which are available on record.

Two witnesses, namely, Sajid Mumtaz and Arif Mumtaz have also filed their respective affidavits and affirmed that there is no other legal heir of the deceased except mentioned above. Their affidavits are also available on record.

Notice of this petition was published in Daily "Jang" Karachi dated 15th February, 2021 ; however, none has filed any objection to the grant of Succession Certificate and Letter of Administration to petitioner, as per the report submitted by the Deputy Registrar (OS) on 25th March, 2021.

Today petitioner and legal heirs No. 1 & 3 as well as above named witnesses are present. They affirm the contents of memo of petition as well as their affidavits and also verify their signatures made thereon.

Since all the legal formalities/requirements have been fulfilled, there is no impediment in grant of Succession Certificate and Letter of Administration to petitioner, therefore, the petition is allowed. The office is directed to issue Succession Certificate and Letter of Administration in respect of movable and immovable properties/assets shown in the Schedule of Properties, as per rules.

At this juncture, learned counsel for the petitioner states that he has also filed an application under Section 151 C.P.C.; however, the same has not been fixed today by the office; therefore, he requests for taking up the same. At his request, the said application is taken up.

By means of the said application, the petitioner requests for exemption from furnishing two securities/sureties for issuance of Letter of Administration and seeks permission for depositing title documents of the immovable property mentioned in the Schedule of Property, in lieu of surety.

Learned counsel for the petitioner states that the petitioner is not in financial capacity to arrange two sureties and since none has come forward to contest this matter, in the interest of justice this application may be allowed.

Looking to the fact that despite publication none has raised any objection for the grant of Letter of Administration in favour of the petitioner, this application is allowed. Nazir is directed to accept original title documents of the subject immovable property as surety for issuance of Letter of Administration.

Application stands disposed of. Office is directed to assign C.M.A. number to the said application.

J U D G E