

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 125 of 2020

Date

Order with signature of Judge

For hearing of main petition.

19.11.2020

Mr. Abdul Muttalib, advocate for petitioner.

Through the instant petition, petitioner Shoaib Ahmed has prayed for the grant of Letter of Administration in respect of immovable property/asset, details whereof are mentioned in the Schedule of Property attached with the memo of petition, available at page 15, which was left by his deceased mother, namely, Rasheeda Nasreen widow of Zafir Ahmed, who allegedly died on 31st October, 2019 at Karachi, leaving behind (1) Afsheen Waseem (daughter), (2) Tanveer Ahmed (son), Shoaib Ahmed (son/petitioner), (4) Kahkashan Saqib (daughter) as his legal heirs. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA and title documents of the immovable property are also filed at page 11, 13 and 21 to 52.

Legal heirs No. 1 & 4 have filed their Affidavits of No-Objection for the grant of Letter of Administration in favour of the petitioner, which are available on record, while legal heir No. 2 has executed Special Power of Attorney duly authenticated by the Vice Consul (Accounts) in the Consulate General of Pakistan at Jeddah, Saudi Arabia in favour of Mst. Nida Tanveer wife of Tanveer Ahmed, who has also filed Affidavit of No-Objection for such purpose on his behalf, which are available on record.

Two witnesses, namely, Saqib Aleem s/o. Aleem-u-llah and Waseem Hashmi s/o. Tariq Hashmi 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 12th March, 2020; however, none has filed any objection to the grant of Letter of Administration to petitioner, as per the report submitted by the Deputy Registrar (OS) on 5th November, 2020.

Today petitioner and legal heirs No. 1 & 4 as well as Attorney of legal heir No. 2 and 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 Letter of Administration to petitioner, therefore, the petition is allowed. The office is directed to issue Letter of Administration in respect of immovable property/asset shown in the Schedule of Property, as per rules.

At this juncture, learned counsel for the petitioner states that since no one has come forward to raise objection for the grant of this petition, the petitioner may be exempted from furnishing two securities/sureties for issuance of Letter of Administration and permitted to deposit title documents of the immovable property mentioned in the Schedule of Property for the grant of Letter of Administration.

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

J U D G E

Athar Zai