

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 149 of 2016

Date

Order with signature of Judge

For hearing of main petition.

16.02.2018

Mr. Sarfaraz Ali Metlo, advocate for petitioner.

Through the instant petition, Petitioner, Aurangzeb Khan Bugti has prayed for the grant of Succession Certificate and Letter of Administration in respect of moveable and immovable properties/assets, mentioned in the Schedule of Properties attached with the memo of petition, available at page 15 and 17, which were left by his deceased father, namely, Sardar Ghulam Mustafa Khan Bugti, who died on 10.11.2010 at Karachi, leaving behind (1) Mst. Nafeesa Begum (widow), (2) Sohrab Khan Bugti, (3) Dr. Allah Nawaz Bugti, (4) Mst. Afroz Haleem, (5) Muhammad Yousuf Khan Bugti, (6) Mst. Tasneem Kausar, (7) Mst. Lubna Naz, (8) Muhammad Babar Bugti, (9) Taimoor Bugti, (10) Aurangzeb Bugti (petitioner) and (11) Mahnaz Dawood as his legal heirs. Out of aforesaid legal heirs, one legal heir, namely, Mahnaz Dawood expired on 12.01.2010 i.e. during the life time of her deceased father, while another legal heir, namely, Sohrab Khan Bugti expired on 10.06.2016; therefore, legal of both of them were joined in the proceedings, as mentioned in column No. 2 and 11 of paragraph No.3 of the amended memo of petition.

Original Death Certificate of deceased Sardar Ghulam Mustafa Khan Bugti and photostat copies of Family Registration Certificate, issued by the NADRA, and title documents of the immovable properties and bank statements are also filed at page 9 to 13 and 21 to 67.

The legal heirs No. 3 to 7, 8 and 9 have filed their affidavits of no objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner, while legal heir No. 7 has filed Special Power of Attorney in favour of the petitioner. So far as legal heirs No.1 and 11 (Mst. Nafeesa Begum and Mst. Mehnaz Dawood,

through L.Rs) of deceased Sardar Ghulam Mustafa Khan Bugti are concerned, Mst. Nafeesa Begum despite service through publication did not appear while notices issued to the L.Rs of Mst. Mehnaz Dawood through District and Sessions Judge, Quetta as well as through TCS returned unserved.

Two witnesses, namely, Muhammad Nasir s/o. Abdul Rahim and Muhammad Kamran s/o. Abdul Sattar 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 11.08.2016 and daily "Kawish" Hyderabad dated 12.08.2016; however, none has filed any objection to the grant of Succession Certificate and Letter of Administration to petitioner, as per the reports submitted by the Deputy Registrar (OS) on 01.09.2016 and 14.02.2016.

Since all the legal formalities/requirements have been fulfilled and none has filed objection; hence in absence of any objection on the part of any legal heir, 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.

J U D G E