

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 165 of 2020

Date	Order with signature of Judge
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For order as to maintainability of main petition.

07.12.2020

Mr. Muhammad Naseer Mughal, advocate for petitioner.

In compliance of order dated 3rd September, 2020, learned counsel for the petitioner through a statement dated 2nd December, 2020 has filed photostat copies of the title documents in respect of additional land measuring 80 square yards and fresh F.R.C. issued by the NADRA showing Mst. Kulsoom Javed and Mst. Seema Hussain as legal heirs of the deceased, which are taken on record.

Through the instant petition, petitioner Altaf Hussain Malik 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 13, which was left by his deceased father, namely, Malik Muhammad Hussain, who allegedly died on 5th November, 1989 at Karachi, leaving behind him eight (8) legal heirs, details whereof are mentioned in paragraph No. 5 of the memo of petition. Original Extract from the Register of Death in respect of deceased issued by the Cantonment Executive Officer, Clifton, Karachi as well as photostat copies of the title documents of the immovable property are also filed at page 9 and 19 to 25.

Legal heirs No. iii, v, vi and vii have filed their Affidavits of No-Objection for the grant of Letter of Administration in favour of the

petitioner/legal heir No.i, while legal heirs No. ii and iv have executed Power of Attorney duly authenticated by the Notary Public at Multan in favour of legal heir No. iii, who has filed Affidavit of No-Objection for such purpose on their behalf, which are available on record. Legal heir No. viii is mentally weak; therefore, he is being represented by the petitioner, who being his real brother has been appointed as his Guardian-ad-Litem.

Two witnesses, namely, Muhammad Anwar and Qaiser Iqbal 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 23rd 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 13th August, 2020.

On 3rd September, 2020 petitioner and legal heirs No. iii, v, vi and vii as well as above named witnesses appeared before this Court and affirmed the contents of memo of petition as well as their affidavits and also verified 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.

J U D G E