

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 187 of 2016

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

18.04.2018

Mr. Abdul Hamid Yousufi, advocate for petitioner alongwith witness Muhammad Ahsan.

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Through the instant petition, Petitioner, Mumtaz Begum has prayed for the grant of Letter of Administration in respect of immoveable property/asset, details whereof are mentioned in the Schedule of Property attached with the memo of petition, available at page 45, which was left by her deceased husband, namely, Farough Ahmed Khan s/o. Haji Muhammad Zahooruddin, who died on 25.04.1985 at Karachi, leaving behind (1) Mumtaz Begum (widow/petitioner), (2) Iftikhar Ahmed Khan, (3) Aijaz Ahmed Khan, (4) Ghazala Farough, (5) Zarina Begum, (6) Imtiaz Ahmed Khan, (7) Sarfaraz Ahmed Khan and (8) Farukh Ahmed Khan as his legal heirs. Out of aforesaid legal heirs, legal heirs No. 6, 7 & 8 have also expired on 08.09.2013, 11.09.2001 and 30.10.2015, respectively, therefore, their legal heirs were also joined in the proceedings, as mentioned in Column No. 4 of the memo of petition.

Original Death Certificates of deceased Farough Ahmed Khan as well as his above named deceased legal heirs, photostat copies of Family Registration Certificate, issued by the NADRA in respect of deceased Farough Ahmed Khan, Imtiaz Ahmed Khan and Sarfaraz Ahmed Khan as well as B-Form in respect of children of deceased Farukh Ahmed Khan and title documents of the immovable property are also filed at page 21 to 43, 51 to 83 and 87 to 101.

The legal heirs No. 3 and 4 have filed their Affidavits of No-Objection for the grant of Letter of Administration in favour of the petitioner, while petitioner has filed Affidavit of No-Objection on behalf of legal heir No. 5, who has executed Special Power of Attorney, duly attested by the Notary Public at Karachi in favour of the petitioner.

Mst. Sadar Imtiaz, Nabeel Ahmed Khan and Rameen Imtiaz, who are legal heirs of deceased legal heir Imtiaz Ahmed Khan have also filed their Affidavits of No-Objection for the grant of Letter of Administration in favour of the petitioner, while one of his legal heirs, namely, Muhammad Ziyar Khan, who is minor, is being represented by his mother, who has been appointed as his Guardian-ad-Litem.

Mst. Tahira Begum, widow of deceased legal heir, namely, Sarfaraz Ahmed Khan has also filed Affidavits of No-Objection for herself as well as on behalf of her children, namely, Muhammad Sadiq and Muhammad Tahir, who have executed Special Power of Attorney in her favour, duly attested by the Third Secretary at Embassy of Pakistan in Berlin, Germany and Consulate Attache at Consulate General of Pakistan in New York, USA.

Mst. Bilquis Bano, widow of deceased Farukh Ahmed Khan has also filed her Affidavits of No-Objection for the grant of Letter of Administration in favour of the petitioner, while three of his legal heirs, namely, Arsalan Farrukh, Aniba Farrukh and Fizza Farrukh who are minors, are being represented by their mother, who has been appointed as their Guardian-ad-Litem.

The legal heir No. 2, though earlier filed objection in this matter through his Attorney, namely, Wajahat Ahmed; however, later on said Attorney filed Affidavit of No-Objection for the grant of this petitioner in favour of the petitioner.

Two witnesses, namely, Majid Maqool Khan s/o. Mabool Ahmed and Muhammad Ahsan s/o. Shaikh Muhammad Ibrahim 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 08.04.2017; however, none has filed any objection to the grant of Letter of Administration to petitioner, as per the report of Deputy Registrar (OS) dated 20.04.2017

Petitioner and legal heirs No. 3, 4, 6(a), 7(a), 8(a) and Attorney of legal heir No.2 as well as both the witnesses have appeared before this Court on 13th and 18th April, 2018, respectively, and affirmed the contents of their affidavits and also verified their signatures 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.

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