

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 212 of 2019

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

02.09.2019

Mr. Khawaja Shams-ul-Islam, advocate for petitioner.

Through the instant petition, Petitioner, Mst. Romana Qamar 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 17, which were left by his deceased husband, namely, Syed Qamar-ul-Hassan s/o. Syed Badar-ul-Hassan, who allegedly died on 08.02.2018 at Karachi, leaving behind (1) Mst. Romana Qamar (widow/petitioner) and (2) Syed Shams-ul-Hassan (son) as his legal heirs. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA, title documents of the immovable properties and share certificates are also filed at page 9, 13 and 23 to 121.

Legal heir No. 2 is minor, who is being represented by his mother/petitioner, who has been appointed as his Guardian-ad-Litem.

Two witnesses, namely, Kamran Saleem s/o. Saleem-ud-din Khan and Rehan Ahmed s/o. Irshad Ahmed 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 29.04.2019; 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 23.05.2019.

Today petitioner and above named witnesses are present. They affirm the contents of memo of petition as well as their affidavits and also verify their signatures 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 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 properties mentioned in the Schedule of Properties, in lieu of surety.

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 properties as surety for issuance of Letter of Administration.

J U D G E

Athar Zai