

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 237 of 2018

Date	Order with signature of Judge
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1. For order on Nazir's report dated 02.11.2018.
2. For hearing of main petition.

05.12.2018

Mr. Tasawur Ali Hashmi, advocate for petitioner.

Through the instant petition, Petitioner Muhammad Salman Dutta has prayed for the grant of Letter of Administration in respect of immovable properties/assets, details whereof are mentioned in the Schedule of Properties attached with the memo of petition, available at page 13, which were left by his deceased father, namely, Sultan M. Dutta, who allegedly died on 04.04.2013 at Karachi, leaving behind (1) Mrs. Almas Dutta (widow), (2) Muhammad Salman Dutta (son/petitioner), (3) Laila Sultan Sheikh (daughter) and (4) Shehla Sultan (daughter) 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 property and registration documents of the vehicle are also filed at page 9, 11 and 19 to 21.

Legal heir No. 4 has filed her affidavit of no objection for the grant of Letter of Administration in favour of the petitioner, while legal heir No. 3 sworn her affidavit for such purpose before Assistant Registrar-V, Affidavit and Identity Branch of this Court on 3rd April, 2018; however, thereafter she moved to USA where she executed General Power of Attorney in favour of the petitioner, duly attested by the First Secretary in the Embassy of Pakistan at Washington DC, USA, which is also filed with this petition. So far as legal heir No.1 is concerned, she appeared before Assistant Registrar-V, Affidavit and Identity Branch of this Court on 3rd April, 2018 and swore her affidavit; however, thereafter she did not make her appearance before this Court due to confinement in P.N.S. Shifa Hospital on account of multiple diseases; hence, on the application of petitioner, bearing CMA No. 2008 of 2018, Nazir of this Court was appointed as Commissioner for the purpose of

verification of contents of her affidavit and signature thereon. The Nazir has submitted his report dated 31.10.2018 stating therein that he visited Mst. Almas Dutta in P.N.S. Shifa Hospital, where she was found bed ridden and lying semi-conscious and was not in a proper status to respond any query.

Two witnesses, namely, Jahangir Piracha s/o. Tassawar Ellah Piracha and Irfan Yousuf s/o. Muhammad Yousuf 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 07.09.2018; 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 04.10.2018.

Petitioner, legal heir No. 4 and witness Irfan Yousuf appeared before this Court on 25.10.2018 while witness Jahangir Piracha made his appearance today i.e. 05.12.2018. They 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 properties/assets shown in the Schedule of Properties, as per rules.

J U D G E

Athar Zai