

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 237 of 2019

Date

Order with signature of Judge

For hearing of main petition.

04.12.2019

Mr. Shab Alam, advocate for petitioner.

Through the instant petition, petitioner Qaiser Hameed Khanzada has prayed for the grant of Letter of Administration in respect of immoveable properties/assets, details whereof are mentioned in the Schedule of Properties attached with the memo of petition, available at page 11, which were left by his deceased parents, namely, Ishtiaq Ahmed Khanzada s/o. Abdul Hameed Khanzada and Mrs. Sarwari Naz, who allegedly died on 25.01.2016 and 31.07.2018, respectively, at Karachi, leaving behind (1) Sajjad Hameed Khanzada (son), (2) Qaiser Hameed Khanzada (son/petitioner), (3) Tanisah Ishtiaq Khandzada (daughter) and (4) Khatoon Begum (mother of deceased No.1) as their legal heirs. Original Death Certificate of deceased No. 1 as well as photostat copies of Death Certificate of deceased No. 2, Family Registration Certificate, issued by the NADRA and title documents of the immovable properties are also filed at page 45 to 49 and 59 to 81.

Legal heirs No. 1 & 3 have filed their affidavits of no objection for the grant of Letter of Administration in favour of the petitioner, while legal heir No. 4 has executed Special Power of Attorney duly attested by the Notary Public at Karachi in favour of legal heir No.3, who has also filed affidavit of no objection on her behalf for the grant of Letter of Administration in favour of the petitioner.

Two witnesses, namely, Nisar Ahmed s/o. Abdul Hameed Khan and Hasin Nisar s/o. Nisar 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 29.05.2019; 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 26.11.2019.

On 4th October, 2019 petitioner and legal heir No. 1 & 3 as well as one of the witnesses, namely, Nisar Ahmed made their appearance, while another witness, namely, Hasin Nisar has appeared today. All have affirmed the contents of memo of petition as well as their respective 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 properties/assets shown in the Schedule of Properties, as per rules.

J U D G E

Athar Zai