

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 268 of 2019

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

28.08.2019

Ms. Amna Usman, advocate for petitioner.

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Through the instant petition, Petitioner Muniba Nawad wife of Jawad Ahmed Siddiqui 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 19, which were left by her deceased father, namely, Dr. Athar Hussain s/o. Khan Bahadur Ashraf Hussain, who allegedly died on 21.12.2018 at Karachi, leaving behind (1) Muniba Jawad (daughter/petitioner), (2) Omar Talal Hussain (son) and (3) Hamza Athar Hussain (son) as his legal heirs. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA and title documents of the immovable properties are also filed at page 13, 15 and 23 to 119.

One Khalifa Farhan Athar s/o. Muhammad Athar has filed affidavits of no objection for the grant of Letter of Administration in favour of the petitioner on behalf of legal heirs No. 2 & 3 being their Attorney, who have executed Special Power of Attorney in his favour duly attested by the Attache in the Consulate General of Pakistan at Houston, USA and Consular Attache in the Consulate General of Pakistan at Bradfor, United Kingdom, respectively, which are also available on record.

Notice of this petition was published in Daily "Jang" Karachi dated 15.06.2019; 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 22.08.2019.

Today two witnesses, namely, Asadullah Sufi s/o. Habibullah Sufi and Muhammad Ali Khan s/o. Ghulam Mustafa Khan file their respective affidavits and affirm that there is no other legal heir of the deceased except mentioned above.

Petitioner as well as Attorney of legal heirs No. 2 & 3 are also present. They affirm the contents of memo of petitioner 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 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.

At this juncture, learned counsel for the petitioner states that she has also filed an application under Section 151 C.P.C.; however, the same has not been fixed today by the office. She requests for taking up the same. At her request, the said application is taken up.

By means of this application, the petitioner requests for exemption from furnishing security/surety for issuance of Letter of Administration.

Learned counsel for the petitioner states that the petitioner is not in a position to arrange the surety and since none has come forward to contest this matter, in the interest of justice she may be allowed to deposit the title documents of the immovable properties, in lieu of surety.

Looking to the fact that after publication none has raised any objection for the grant of Letter of Administration in favour of the petitioner, this application is allowed. Nazir is directed to accept original title documents of the subject properties as surety.

Application stands disposed of. Office is directed to assign C.M.A. number to this application.

J U D G E