

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 320 of 2020

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

12.11.2020

Mr. Shaikh Adnan Noor, advocate for petitioner.

Through the instant petition, petitioner Muhammad Hamiduddin 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 29, which were left by his deceased father, namely, Muzaffaruddin s/o. Muhammad Abdul Razzak, who allegedly died on 22nd February, 2017 at Karachi, leaving behind him (1) Naheed Jahan (daughter), (2) Musarrat Jahan Saba (daughter), (3) Muhammad Hamiduddin (son/petitioner), (4) Ziauddin (son), (5) Nizamuddin (son), (6) Faisal Muzaffar Khan (son) and (7) Muhammad Ali Khan (son) as his legal heirs, out of whom legal heirs No. 1 & 7 also died 5th March, 2017 and 2nd April, 2019, respectively; therefore, their legal heirs, namely, 1(i) Shams-ul-Haq (widower), 1(ii), Sana Ghayas Khan (daughter), 1(iii) Eraj Shams (son), 7(i) Saira Ali Khan (widow) and 7(ii) Fizzah Ali Khan (daughter) have been joined in this matter. Original Death Certificate of deceased Muzaffaruddin as well as photostat copies of Death Certificate of deceased Naheed Jahan & Muhammad Ali Khan, Family Registration Certificates, issued by the NADRA, title documents of the immovable property and bank statements are also filed at page 15, 19 to 27 and 37 to 57.

Legal heirs No. 1(iii), 2 to 6 as well as 7(i) & (ii) have filed their Affidavits of No-Objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner, while legal heirs No. 1(i) & (ii) have executed General Power of Attorney duly authenticated by the Notary Public at Karachi in favour of legal heir No. 1(iii), who has filed Affidavits of No-Objection for such purpose on their behalf, which are available on record.

Two witnesses, namely, Shah Nawaz Siddiqui s/o. Saeed Siddiqui and Saad Zain Khaliq s/o. Shamim 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 15th October, 2020; 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 29th October, 2020.

Today petitioner and heirs No. 1(iii), 2 to 6 as well as 7(i) & (ii) as well as above named witnesses are present. They affirm the contents of memo of petition as well as their affidavits and also verify their signatures made 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 Succession Certificate and permitted to deposit title documents of the immovable property mentioned in the Schedule of Properties for the grant of Letter of Administration and be allowed to execute P.R. Bond for the grant of Succession Certificate in respect of movable properties, in lieu of surety.

Looking to the fact that despite publication in newspaper none has raised any objection for the grant of Succession Certificate and Letter of Administration in favour of the petitioner, the request is allowed. Nazir is directed to accept original title documents of the subject property as surety for issuance of Letter of Administration. Petitioner is also allowed to execute P.R. Bond for the grant of Succession Certificate in respect of movable properties.

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