

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 348 of 2019

Date

Order with signature of Judge

For hearing of main petition.

12.11.2019

Mr. Raja Khalil-uz-Zaman, advocate for petitioner.

Through the instant petition, Petitioner Mst. Farzana Khan has prayed for the grant of Letter of Administration in respect of immoveable property/asset, details whereof are mentioned in the Schedule of Property attached with the memo of petition, available at page 45, which was left by her deceased father, namely, Lal Khan s/o. Kala Khan, who allegedly died on 28.05.1991 at Abbotabad, leaving behind (1) Muhammad Iqbal Khan (son), (2) Muhammad Shamroz Khan (son), (3) Muhammad Afzaal Khan (son) and (4) Mst. Farzana Khan (daughter) as his legal heirs. Out of aforesaid legal heirs, legal heirs No. 1 & 3 have also expired on 07.12.2015 and 03.07.2004, respectively, therefore, legal heirs of deceased legal heir No. 1, namely, (i) Akhtar Nisa (widow), (ii) Farrukh Shahzad Khan (son), (iii) Khurram Khan (son), (iv) Adeela Khan (daughter), (v) Adnan Khan (son), and (vi) Noman Khan (son) as well as legal heirs of deceased legal heir No. 2, namely, (i) Shareen Gul (widow), (ii) Asim Afzaal (son), and (iii) Imran Afzaal (son) were also joined in the proceedings.

Original Death Certificate of deceased as well as photostat copies of Death Certificates of his deceased legal heirs, Family Registration Certificate, issued by the NADRA and title documents of the immovable property are also filed at page 17 to 43.

Legal heirs No. 1 (i), (ii) & (iv) and 3 (i) to (iii) have filed their affidavits of no objection for the grant of Letter of Administration in favour of the petitioner duly sworn before Assistant Registrar, Affidavit and Identity Branch of this Court, while legal heirs 1 (iii), (v) & (vi) and 2 have also filed such affidavits as well as General Power of Attorney in favour of the petitioner duly attested by the Attache in the Consulate General of

Pakistan at Houston, USA and Consular Attache in the Embassy of Pakistan at Kuwait and, which are also available on record.

Two witnesses, namely, Saleem Akhtar Qasim s/o. Muhammad Qasim and Farid Khan s/o. Malik Qalandar Khan 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 19.09.2019; 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 03.10.2019.

Today petitioner and legal heirs No. 1 (i), (ii) & (iv) and 3 (i) to (iii) 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 Letter of Administration to petitioner, therefore, the petition is allowed. The office is directed to issue Letter of Administration in respect of immovable property/asset shown in the Schedule of Property, as per rules.

J U D G E

Athar Zai