

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 363 of 2019

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

31.10.2019

Mr. Yahya Iqbal, advocate for petitioner.

Through the instant petition, Petitioner, Asim Zafar Farooqi has prayed for the grant of Succession Certificate and Letter of Administration in respect of moveable and immoveable properties/assets, details whereof are mentioned in the Schedule of Properties attached with the memo of petition, available at pages No. 17 & 19, which were left by his deceased father, namely, Zafar Ahmed Farooqi s/o. Abdul Quddus Farooqi, who allegedly died on 21.12.2017 at Karachi, leaving behind (1) Fozia Zafar Farooqi (widow), (2) Javaria Zafar Farooqi (daughter), (3) Sohaib Zafar Farooqi (son), (4) Aamir Zafar Farooqi (son) and (5) Asim Zafar Farooqi (son/petitioner) as his legal heirs. Original Death Certificate of deceased and Family Registration Certificate issued by the NADRA as well as photostat copies of title documents of the immovable properties and bank statements are also filed at page 13, 15 and 25 to 87.

Legal heirs No. 1 & 2 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. 3 & 4 have executed Special Power of Attorney duly attested by the First Secretary in the Consulate General of Pakistan at Melbourne, Australia in favour of the petitioner, which are also available on record.

Notice of this petition was published in Daily "Jang" Karachi dated 26.09.2019; 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 17.10.2019.

Today two witnesses, namely, Mirza Haroon Baig s/o. Shahid Jamal Baig and Asad Ali s/o. Akhtar Ali have also filed their respective affidavits and affirmed that there is no other legal heir of the deceased except mentioned above. The affidavits are taken on record. Legal heirs No. 1 & 2 are present. They have also affirmed 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 permitted to deposit title documents of the immovable properties mentioned in the Schedule of Properties, in lieu of surety.

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

J U D G E