

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 365 of 2019

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

24.10.2019

Syed Abdul Rawoof, advocate for petitioner.

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Through the instant petition, Petitioner Nadira Parveen 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 21, which were left by her deceased husband, namely, Anwar Shoaib Khan s/o. Ghulam Farid Khan, who allegedly died on 06.06.2019 at Karachi, leaving behind (1) Nadira Parveen (widow/petitioner), (2) Muhammad Raza Khan (son), (3) Fatima Raza Khan (daughter) and (4) Ainshara (daughter) as his legal heirs. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA, title documents of the immovable property and bank statement are also filed at page 15, 19 and 27 to 79.

Legal heirs No. 2 to 4 are minors, who are being represented by their mother/petitioner, who has been appointed as their Guardian-ad-Litem.

One Waseem Anwar Khan, brother of the deceased has also filed his affidavit of no objection for the mutation of immovable property described at serial No. 1 of the Schedule of Properties in the name of legal heirs of the said deceased, on the ground that the same was jointly purchased by the him and his deceased

brother; however, later on the deceased during his life time returned/refunded the amount of Rs.20,00,000/- paid by him. Such assertion cannot be entertained in this S.M.A. The brother of the deceased; however, may execute Relinquishment Deed in favour of legal heirs of the deceased.

Two witnesses, namely, Pervaiz Akhtar Khan s/o. Fazal-ur-Rehman and Muhammad Asif Raza Khan s/o. Hadi Raza Khan have also filed today their fresh affidavits as in the earlier affidavits the names of the legal heirs of the deceased were missing. They affirm that there is no other legal heir of the deceased except mentioned above. Their affidavits are taken on record.

Today petitioner is also present. She affirms the contents of memo of petition and verifies her signatures made thereon.

Notice of this petition was published in Daily "Jang" Karachi dated 18.09.2019; 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 10.10.2019.

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.

J U D G E