

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 369 of 2019

Date

Order with signature of Judge

For hearing of main petition.

27.11.2019

Mr. Sultan A. Allana, advocate for petitioner.

Through the instant petition, Petitioner Iqbal Abdulla 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 17, which was left by his deceased mother, namely, Khair-un-Nisa widow of late Mahmood Abdulla, who allegedly died on 30.07.2006 at Karachi, leaving behind (1) Yasmeen Arif Allarakha (daughter), (2) Iqbal Abdulla (son/petitioner), (3) Sameena Abdulla (daughter), and (4) Razeena Faisal Jamal (daughter) as her legal heirs. Original Death Certificate of deceased issued by the then Naib Nazim, UC No. 10, Clifton, Saddar Town, Karachi as well as photostat copies of Family Registration Certificate, issued by the NADRA and title documents of the immovable property are also filed at page 13, 15 and 29 to 43.

Legal heir No. 3 has filed her Affidavit of No-Objection for the grant of Letter of Administration in favour of the petitioner, while legal heirs No. 1 & 4 have executed General Power of Attorney duly attested by the Head of Chancery and Deputy Consul General in the Consulate General of Pakistan at Toronto, Canada.

Two witnesses, namely, Meboob Alam Khan s/o. Hashmatulla Khan and Mazhr Asghar s/o. Asghar Ibrahim 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 26.09.2019; 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 17.10.2019.

On 30th October, 2019 petitioner and legal heir No. 3 as well as one of the witnesses, namely, Mehboob Alam Khan made their appearance, while another witness, namely, Mazhr Asghar has appeared today. All have affirmed the contents of memo of petition as well as their respective affidavits and also verified 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