

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 397 of 2019

Date	Order with signature of Judge
------	-------------------------------

For hearing of main petition.

21.11.2019

M/s. Zulfiqar Ali Shaikh and Syed Zia-ud-din Nasir,
advocates for petitioner.

Through the instant petition, Petitioner Mst. Amna Hassan 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 page 19, which were left by her deceased mother, namely, Mst. Rabeya Mapara widow of Ibrahim Mehmood, who allegedly died on 25.12.2018 at Abu Dhabi, UAE leaving behind (1) Shahneela Faruqui (daughter), (2) Mst. Amna Hassan (daughter/petitioner), (3) Ismail Mapara (son) and (4) Maryam Yusuf (daughter) as her legal heirs. Original Death Certificate of deceased as well as photostat copies of Death Certificate of her deceased, Family Registration Certificate, issued by the NADRA, title documents of the immovable property and registration documents of the vehicle are also filed at page Nos. 11, 15, 17 and 23 to 81.

Petitioner has filed Affidavits of No-Objection for the grant of Succession Certificate and Letter of Administration in her favour on behalf legal heirs No. 1, 3 & 4, who have executed Special Power of Attorneys in her favour duly attested by the Notary Public at Karachi, Consular in the Embassy of Pakistan at Warsa, Poland and Consular Attache in the High Commission for Pakistan at London, United Kingdom, while legal heir No. 1 has also filed Affidavits of No-Objection for such purpose duly attested by APS to Consular General in the Consulate General of Pakistan in Hong Kong, which also available on record.

On 18th September, 2019 one witness, namely, Badar Munir Malik s/o. Abdul Rasheed Malik filed his affidavit and affirmed that there is no other legal heir of the deceased except mentioned above, which is available on record, while another witness, namely, Amir Khan s/o. Umair Khan has filed such affidavit today, which is taken on record.

Notice of this petition was published in Daily "Jang" Karachi dated 04.10.2019; 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 31.10.2019.

Today petitioner 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 files an application under Section 151 C.P.C. seeking exemption from furnishing two securities/sureties for issuance of Succession Certificate and Letter of Administration.

Learned counsel for the petitioner states that the petitioner is unable to furnish two securities/sureties for issuance of Succession Certificate and Letter of Administration and since no one has raised any objection for the grant of this petition, Nazir of this Court may be directed to accept one surety for issuance of Succession Certificate and original title documents of the immovable property mentioned in the Schedule of Property in lieu of surety for issuance of Letter of Administration.

It appears 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; therefore, there is no impediment in allowing this application; hence, the same is allowed. Nazir is directed to accept one surety for issuance of Succession Certificate and original title documents of the subject property as surety for issuance of Letter of Administration.

Application stands disposed of. Office is directed to assign C.M.A. number to this application.

J U D G E