

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 452 of 2019

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

05.11.2020

Mr. Abdul Qadir Syed, advocate for petitioner.

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Through the instant petition, petitioner Rajab Ali Sanna has prayed for the grant of Letter of Administration in respect of immoveable properties/assets, details whereof are mentioned in the Amended Schedule of Properties attached with the memo of petition, available at page 45 & 47, which were left by his deceased father, namely, Akbar Ali s/o. Muhammad Ishaq, who allegedly died on 15<sup>th</sup> July, 2018 at Karachi, leaving behind (1) Mst. Rehmat Akbar (widow), (2) Rajab Ali Sanna (son/petitioner), (3) Rizwan Ali Sanna (son), (4) Riaz Ali (son), (5) Anum Ali Sanna (daughter) and (6) Madiha Akbar Ali Sanna (daughter) as his legal heirs. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA and title documents of the immovable properties are also filed at page 19, 23, 25 and 59 to 265.

Legal heirs No. 1 and 3 to 6 have filed their Affidavits of No-Objection for the grant of Letter of Administration in favour of the petitioner.

Two witnesses, namely, Waseem Ahmed Kahn s/o. Mohsin Hussain Khan and Nawab Khan s/o. Jehan 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 5<sup>th</sup> August, 2020; 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 20<sup>th</sup> August, 2020.

On 9<sup>th</sup> October, 2020 petitioner and legal heirs No. 1 and 3 to 6 as well as above named witnesses appeared before this Court and affirmed the contents of memo of petition as well as their affidavits and also verified their signatures made thereon.

On the last date of hearing i.e. 9<sup>th</sup> October, 2020, learned counsel for the petitioner was put on notice to satisfy the Court as to how Letter of Administration can be granted in this matter as some of the subject properties are under booking and; hence, having no title documents.

Learned counsel while referring Black's Law Dictionary, Eight Edition, states that term estate in respect thereof Letter of Administration is granted means, the amount, degree, nature and quality of a person's interest in land or other property. He adds that in the instant case, the deceased in his life time was having interest by virtue of allotment in subject plots and; hence, after his death, the same have become subject of Letter of Administration. The contention of learned counsel appeals to reason.

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 properties/assets shown in the Amended Schedule of Properties, as per rules.

J U D G E

Athar Zai