

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
S.M.A. No. 461 of 2020

Date	Order with signature of Judge
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1. For order on Nazir's report dated 24.12.2021.
2. For hearing of main petition.

10.03.2021

Mr. Babar Nazar, advocate for petitioner.

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1. Nazir's report is taken on record.
  
2. Through the instant petition, petitioner Syed Muhammad Hussain Ali 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 Amended Schedule of Properties attached with the memo of petition, available at page 17, which were left by his deceased mother, namely, Amna Ali Jarrar, who allegedly died on 8<sup>th</sup> July, 2020 at Karachi, leaving behind the petitioner as her only surviving legal heir. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA, title documents of the immovable properties, bank statement and Behbood Saving Certificate are also filed at page 11, 15 and 27 to 133.

Two witnesses, namely, Syed Asghar Mustafa Hussain and Muhammad Asif Ali 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 15<sup>th</sup> January, 2021; 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 4<sup>th</sup> February, 2021.

Today petitioner and 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 Amended Schedule of Properties, as per rules.

At this juncture, learned counsel for the petitioner states that he has filed an application under section 151 C.P.C.; however, the same has not been fixed today by the office; therefore, he requests for taking up the same. At his request, the said application is taken up.

By means of this application, the petitioner requests for exemption from furnishing two securities/sureties for issuance of Letter of Administration and seeks permission for depositing original title documents of the immovable properties mentioned in the Amended Schedule of Properties, in lieu of surety.

Learned counsel for the petitioner states that the petitioner is not in a financial capacity to arrange the two sureties for issuance of Letter of Administration and since none has come forward to contest this matter, in the interest of justice this application may be allowed.

Looking to the fact that despite publication none has raised any objection for the grant of this petition, this application is allowed. Nazir is directed to accept original title documents of the subject immovable properties 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

Athar Zai