

**IN THE HIGH COURT OF SINDH, AT KARACHI**

**S.M.A No.538 of 2020**

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<b>Date</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For hearing of Main Petition.

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**10<sup>th</sup> March, 2021.**

Mr. Siddique Akbar, Advocate for the Petitioner.

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**Kausar Sultana Hussain, J:** - The instant Succession Misc. Application (SMA) under section 278 of Succession Act, 1925 has been filed by **Abdullah Anis** being son/one of the legal heirs of deceased **Anis-ur-Rehman**, who passed away on 05.02.2012 at Karachi. The deceased at the time of his death survived by following legal heirs, as mentioned under para-2 of page No.2 of main petition:

- |                         |   |                 |
|-------------------------|---|-----------------|
| 1. Mst. Tahira Khatoon  | : | Widow           |
| 2. Shamim Ahmed         | : | Son             |
| 3. Mst. Tayyaba Khatoon | : | Daughter        |
| 4. Mst. Asiya Anis      | : | Daughter        |
| 5. Mst. Nabila Ibrahim  | : | Daughter        |
| 6. Salman Anis Shaikh   | : | Son             |
| 7. Abdullah Anis        | : | Son/Petitioner. |

2. The deceased above named at the time of his death has left behind the 01-immovable property, as mentioned in Schedule of property at page No.19 and original title documents of immovable property have been seen and returned by the Deputy Registrar (O.S) of this Court, as per his report dated 28.01.2021 & 25.02.2021.

3. Report dated 28.01.2021& 25.02.2021, submitted by the Deputy Registrar (O.S) is available on record, inter-alia, confirming the facts that the deceased has left behind the one immovable property. Photocopies of title documents of immovable properties are attached with the main petition (Page No.25-61), while original have been seen by the Deputy Registrar and returned to it. Other requisite formalities have also been complied with, including publication in daily "**Jang**" Karachi and its issue of 07.01.2021, but nobody has appeared to rebut the claim of the petitioner and legal heirs. Original death certificate of deceased Anis-ur-Rehman (page No.11) is also available on record. Today, on 10.03.2021 learned counsel for the Petitioner has filed original Special Power of Attorney of one legal heir of deceased, namely Salman Anis Shaikh, who executed the same in favour of the remaining legal heirs of deceased including petitioner, which is taken on record. Petitioner and other remaining legal heirs of the deceased are present and produced their CNICs and admitted the contents of affidavits sworn by them and re-affirmed the contents of the petition.

4. Two independent witnesses namely Naseeb Tawab son of Momin and Wasib Ismail son of Muhammad Ismail have also appeared alongwith their original C.N.I.Cs and admitted the contents of affidavits sworn by them, re-affirmed the contents of the petition.

5. Under these circumstances, this petition is allowed subject to payment of dues to the P&T Co. Operative Housing Society Limited Karachi and it is ordered that the Letter of Administration be granted in favour of the Petitioner Abdullah Anis in respect of the

*one immovable property left by deceased namely Anis-ur-Rehman*  
according to rules on petitioner's furnishing one surety/security for  
Letter of Administration. The documents of the immovable property  
in respect of which, Letter of Administration has been granted may  
be accepted as surety documents of immoveable property. Order  
accordingly.

Faheem

**J u d g e**