

IN THE HIGH COURT OF SINDH, AT KARACHI

S.M.A No.511 of 2020

Date	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of Main Petition.

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10th March, 2021.

Mr. Muhammad Rashid, Advocate for the Petitioner.

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Kausar Sultana Hussain, J: - The instant Succession Misc. Application (SMA) under section 278 & 372 of Succession Act, 1925 has been filed by **Hassan Rafiq Siddiqui** being son/one of the legal heirs of deceased **Rafiq Ahmed Siddiqui**, who passed away on 05.06.2020 at Karachi. The deceased at the time of his death survived by following legal heirs, as mentioned under para-3 of page No.1 of main petition:

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|---------------------------|---|----------|
| 1. Hassan Rafiq Siddiqui | : | Son |
| 2. Usman Rafiq Siddiqui | : | Son |
| 3. Maria Abdullah Khan | : | Daughter |
| 4. Mrs. Safia Qidwai | : | Daughter |
| 5. M.S. Jabeen Fatima | : | Daughter |
| 6. Mrs. Rehana Ejaz Ahmed | : | Daughter |

2. The deceased above named at the time of his death has left behind the immovable and movable properties, as mentioned in Schedule of properties at page No.21/A-21/B respectively and original title documents of moveable and immoveable properties have been seen and returned by the Deputy Registrar (O.S) of this Court, as per his report dated 25.02.2021.

3. Report dated 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 moveable and immovable properties. Photocopies of title documents of immovable properties and Bank Statements are attached with the main petition (Page No.29-89), 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 12.02.2021, but nobody has appeared to rebut the claim of the petitioner and legal heirs. Original death certificate of deceased Rafiq Ahmed Siddiqui and original death certificate of his wife deceased Humera Rafiq (page No.11&15) are also available on record. Legal heirs No. 3, 5&6 namely Mrs. Maria Abdullah Khan, M.S. Jabeen Fatima and Mrs. Rehana Ejaz Ahmed have executed General Power of Attorney separately in favour of petitioner, photocopies of General Power of Attorney are annexed with the main petition at page No.101 to 117 respectively and original of these Power of Attorneys have been seen and returned by the Deputy Registrar (O.S) . Today, on 10.03.2021 petitioner and other remaining legal heirs of the deceased are present and produced their respective CNICs and admitted the contents of affidavits sworn by them and re-affirmed the contents of the petition.

4. Two independent witnesses namely Rais Ahmed son of Abdul Aziz and Muhammad Ayoub Siddiqui son of Muhammad Yameen Siddiqui have also appeared alongwith their original C.N.I.Cs and

reaffirmed the contents of their affidavits sworn by them and the contents of the petition as well.

5. Under these circumstances, this petition is allowed and it is ordered that the Letter of Administration and Succession Certificate be granted in favour of the Petitioner Hassan Rafiq Siddiqui in respect of the movable and immovable properties left by both deceased namely Rafiq Ahmed Siddiqui according to rules on petitioner's furnishing one surety/security for Succession Certificate and one surety/security for Letter of Administration. The documents of the immovable property/ies in respect of which, Letter of Administration has been granted may be accepted as surety documents of immoveable property/ies. Order accordingly.

Faheem

J u d g e