

IN THE HIGH COURT OF SINDH, AT KARACHI

S.M.A No.478 of 2020

Date **ORDER WITH SIGNATURE OF JUDGE**

1. For hearing of Main Petition.

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10th March, 2021.

Mr. S.A. Shabbar Rizvi, 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 **Dr. Roohi Naseer** being sister/one of the legal heirs of deceased **Mir Shahid Hussain and Dr. Najma Amjad**, both passed away on 22.06.2020 and 09.10.2019 respectively at Karachi. Both the deceased at the time of their death survived by following legal heirs, as mentioned under para-2&3 of page No.3 of main petition:

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|---------------------------|---|----------|
| 1. Dr. Roohi Naseer | : | Sister |
| 2. Hina Hussain (Kasmani) | : | Daughter |
| 3. Serena Shahid Hussain | : | Daughter |

2. The deceased above named at the time of their death have left behind the movable and immovable properties, as mentioned in Schedule of properties at page No.23-25 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 both the deceaseds have 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.31-123), while original documents of the immovable property 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 15.02.2021, but nobody has appeared to rebut the claim of the petitioner and legal heirs. Original death certificates of both deceased (page No.17-19) are also available on record. Legal heirs No. 2 & 3 namely Hina Hussain (Kasmani) & Serena Shahid Hussain 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.139 to 153, original seen and returned by the Deputy Registrar (O.S) and returned. Today, on 10.03.2021 petitioner i.e. legal heir of both the deceased is present and produced her CNIC and admitted the contents of affidavit sworn by her and re-affirmed the contents of the petition.

4. Two independent witnesses namely Atiq-ur-Rehman son of Abdul Rehman and S. Muhammad Qamar son of S. Ali Naseer have also appeared alongwith their original C.N.I.Cs and admitted the contents of affidavits sworn by them as true and correct and re-affirmed 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 Dr. Roohi Naseer in respect of the movable and immovable properties left by both deceased namely Mir Shahid Hussain and Dr. Najma Amjad 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