

IN THE HIGH COURT OF SINDH KARACHI

S. M. A. No. 312 of 2016

Date	Order with signature of Judge
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1. For orders on Nazir's report dated 13.04.2017 :
2. For orders on office objection & reply of the advocate for the petitioner :
3. For hearing of main petition :

Diary of Dy. Registrar (OS) dated 09.02.2017 as flagged

Office note dated 13.03.2017 :

R&P of SMA No.486/2016 in one part is attached :

14.04.2017 :

Mr. Ghulam Shabbir Pathan, advocate for the petitioner a/w the petitioner.

**ORDER**

**NADEEM AKHTAR, J.** – The petitioner Junaid-ur-Rehman has filed this petition under Sections 278 and 372 of the Succession Act, 1925, for the grant of Succession Certificate and Letters of Administration in respect of the movable and immovable properties left by his late father Mr. Hafeez-ur-Rehman Malik (**'the deceased'**), who passed away at Karachi on 18.06.2016. It is stated in the petition that the deceased died intestate and is survived only by the following four (04) legal heirs :

- |       |                               |          |
|-------|-------------------------------|----------|
| (i)   | Mst. Amtul Rauf               | widow    |
| (ii)  | Mst. Samra Khurshid           | daughter |
| (iii) | Obaid-ur-Rehman               | son      |
| (iv)  | Junaid-ur-Rehman (petitioner) | son      |

2. As per the details disclosed by the petitioner in the Schedule of properties (page 53) to the petition, the deceased has left an immovable property viz. Flat No.3-A, Block 4-A, Gulshan-e-Faisal, Bath Island, Karachi, and certain moveable properties viz. Honda City car bearing registration No. ATE-401 ; Defence Saving Certificates of Rs.3,000,000.00 ; Rs.544,948.08 in account No.1019-0077-00785-01-2 with Bank Al-Habib Limited Clifton Branch Karachi ; U.S Dollars 6,171.68 and 5,000.00 in account Nos. 1019-0419-007585-01-6 and 1019-0416-007585-01-3, respectively, with Bank Al-Habib Limited Clifton Branch Karachi ; Rs.7,484.00 in PLS account No.014530-2010002835 and articles lying in locker No.56 with MCB Bank Limited Clifton Broadway Branch Karachi ; and, shares in Nishat Mills Limited, Nishat (Chunian) Limited, Sui Northern Gas Pipe Lines Limited and Standard Chartered Bank (Pakistan) Limited. All the above mentioned moveable and

immovable properties left by the deceased have been fully described in the above referred Schedule. As per Statement / Schedule 'B' (page 57), there are no liabilities of the deceased that require settlement.

3. In support of this petition, the petitioner has filed (a) original Death Certificate dated 23.06.2016 of the deceased issued by the Government of Sindh, (b) copy of Family Registration Certificate of the deceased issued by NADRA on 22.12.2016, (c) copy of Sale Deed dated 02.07.1995 in respect of the above mentioned Flat No.3-A executed and registered in favour of the deceased, (d) copy of registration Form 'G' of the above mentioned vehicle No.ATE-401 in the name of the deceased, (e) copies of Defence Saving Certificates in the name of the deceased, (f) copies of share certificates of the above mentioned companies in the name of the deceased, and (g) copies of cheques showing the above mentioned bank accounts in the name of the deceased.

4. The petitioner had originally filed SMA No.486/2016 before the learned District Judge Karachi South. Vide order dated 22.10.2016 the same was returned to him for presentation before this Court as total value of the properties left by the deceased was more than the pecuniary jurisdiction of the learned District Judge. In the present petition, Nazir of this Court has submitted report dated 13.04.2017 in compliance of order passed on 07.04.2017, confirming that the aforesaid locker No.56 is in the name of the deceased and all original title documents in the name of the deceased in respect of the above mentioned Flat No.3-A are lying therein. In compliance of the order passed on 06.03.2017, office has submitted report dated 13.03.2017 stating that registration and ownership of the above mentioned vehicle in the name of the deceased has been verified by the Excise and Taxation Department, and verification reports in respect of bank accounts, Defence Saving Certificates and shares in companies are available in the R&P of SMA No.486/2016.

5. The other legal heirs of the deceased have submitted their affidavits stating that they have no objection if Letters of Administration and Succession Certificate are granted in the name of the petitioner. Affidavits of two witnesses have also been filed in support of this petition. Vide order dated 02.01.2017, the petitioner and legal heir / daughter Mrs. Samra Khurshid, and vide orders dated 06.03.2017 and 16.03.2017 witnesses Ashar Ahmed Farooqui and Jamal Naqi, were exempted from personal appearance. By virtue of special power of attorney executed on 25.07.2016, original whereof is available at page 199, legal heir / son Obaidur Rehman has appointed the petitioner as his attorney.

6. Notice of this petition was published in Urdu daily 'JANG' on 11.01.2017 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 09.02.2017, no objection whatsoever has been

received from any quarter. As all the formalities have been completed as per rules, there appears to be no impediment in the grant of Letters of Administration and Succession Certificate in the name of the petitioner. Accordingly, the instant petition is allowed. Let Letters of Administration and Succession Certificate be issued in the name of the petitioner as per rules for distribution of the immovable and movable properties left by the deceased according to *Shariah*.

J U D G E