

IN THE HIGH COURT OF SINDH KARACHI

S. M. A. No. 37 of 2018

Date	Order with signature of Judge
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1. For orders on CMA No.1256/2018 (Urgent hearing, if granted) :
2. For hearing of main petition :

Mr. Nabeel Kolachi Advocate for the petitioner along with petitioner Commander (Retd.) Mirza Hasnain Baig (CNIC No.42301-8231735-5, legal heirs Raza Ali Baig, Ms. Natasha Baig and Ms. Zehra Raza, and witnesses Muhammad Haneef and Shakeel Ahmed Khan.

Date of hearing : 27.06.2018.

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NADEEM AKHTAR, J. – The petitioner Commander (Retd.) Mirza Hasnain Baig has filed this petition under Section 268 of the Succession Act, 1925, for the grant of Letters of Administration and Succession Certificate in respect of the movable and immovable properties left by his late wife Mrs. Nuzhet Almas Baig (**‘the deceased’**), who passed away at Karachi on 22.10.2017. It is stated that the deceased died intestate and is survived by only the following four (04) legal heirs :

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| (i) Mirza Hasnain Baig | husband |
| (ii) Raza Ali Baig | son |
| (iii) Ms. Natasha Baig | daughter |
| (iv) Ms. Zehra Raza | daughter |

As per the details disclosed by the petitioner in the Schedules of movable and immovable assets (pages 31 & 35) to the petition, the deceased has left (i) Bank Account No.18 8079358 01 with Standard Chartered Bank Ltd., Clifton, Karachi, with a credit of Rs.246,085.73 as on 30.12.2017, (ii) Dormant Bank Account No.0010010776620011 in Allied Bank Ltd, Branch Code 0414, Defence Housing Authority, Karachi, with a credit of Rs.167.44, (iii) motor car Daihatsu Cuore 847 c.c. model 2005 bearing registration No.AJS-130, purchased in the year 2009 for Rs.300,000.00, (iv) 500 shares of Rs.10.00 each in Kot Addu Power Co. Ltd. having single share certificate No.161874 and Folio No.0161874 with distinctive Nos.169189823 to 169190322, (v) 500 shares of Rs.10.00 each in Oil & Gas Development Co. Ltd. having single share certificate No.119345 and Folio No.8859 with distinctive Nos.634025050 to 634025549, (vi) 210 shares of Rs.10.00 each in Habib Bank Ltd. having eight (08) share certificate Nos.370080, 533679, 635652, 732696, 823433, 911940, 998781 and 1091871 and Folio No.0270180, (vii) two (02) certificates issued by National Investment (Unit) Trust bearing Nos.I-043824 and P-007819 registration No.N/1/8380 and sale No.22073-A for 300 and 40 Units of Rs.10.00 each, (viii) Plot No.23/II, measuring 1055.55 sq. yds. with a double storey bungalow constructed thereon, situated at Khayaban-e-Shaheen (facing 15th Street), Phase V, Pakistan Defence Officers’ Housing Authority, Karachi, and

(ix) open Plot No.70, measuring 2-00 Kanals, situated in Block 'A', KEMC, Doctors' Cooperative Housing Society Ltd., Lahore. As per Schedule 'B' / details of liabilities and debts of the deceased (page 37) filed by the petitioner, there are no liabilities of the deceased that require settlement, except for a personal loan of Rs.3.600 million obtained by her from the petitioner.

In support of this petition, the petitioner has submitted (a) original death certificate of the deceased issued on 26.10.2017 by Chairman, Union Council 31, Kehkashan, KMC South ; (b) copy of her CNIC issued by NADRA ; (c) copy of Family Registration Certificate dated 14.12.2017 issued by NADRA ; (d) copies of letters / statements of account issued by the above named banks in respect of the above mentioned bank accounts of the deceased ; (e) copies of share certificates of the above named companies in the name of the deceased ; (f) copies of the above mentioned certificates issued by National Investment (Unit) Trust in the name of the deceased ; (g) copy of registration book of the above mentioned vehicle in the name of the deceased ; and, (h) copies of title documents in respect of both the above mentioned immovable properties in the name of the deceased.

The other surviving legal heirs of the deceased, who are present in Court, 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. They have also stated in their said affidavits that they have no objection if the personal loan of Rs.3.600 million obtained by the deceased from their father / petitioner be repaid to the petitioner from the assets left by the deceased. They reiterate the above contents of their said affidavits. The petition is also supported by the affidavits of two witnesses, who are also present in Court along with the petitioner. They also reiterate the contents of their affidavits.

Notice of this petition was published in Urdu daily 'Jang' Karachi and Lahore on 05.03.2018 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 12.04.2018, no objection whatsoever has been received from any quarter. Since 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 movable and immovable properties left by the deceased according to *Shariah* including the adjustment / repayment of Rs.3.600 million to the petitioner out of the assets left by the deceased which amount was obtained by the deceased as personal loan from the petitioner.

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