

IN THE HIGH COURT OF SINDH KARACHI

S. M. A. No. 195 of 2015

Date	Order with signature of Judge
------	-------------------------------

1. For orders on CMA No.866/2016 (If granted) :
2. For hearing of Main Petition :

Petitioner : Ashar Siddiqi through Mr. G. M. Bhutto Advocate.

Date of hearing : 30.05.2016.

ORDER

NADEEM AKHTAR, J. – The petitioner Ashar Siddiqi 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 mother Mst. Naima Akhtar Siddiqi (**‘the deceased’**), who passed away at Karachi on 06.12.2015. It is stated in the petition that during the lifetime of the deceased, her husband Mr. Nusrat Rasheed Siddiqi had passed away on 14.01.2013. It is further stated that the deceased died intestate and is survived only by the following three (03) legal heirs :

- | | | |
|-------|----------------------------|----------|
| (i) | Asim Siddiqi | son |
| (ii) | Ms. Madiha Javed | daughter |
| (iii) | Ashar Siddiqi (petitioner) | son |

2. As per the details disclosed by the petitioner in Annexure ‘C’ (page 17) to the petition, the deceased has left certain immovable properties which have been fully described in the aforesaid Annexure. As per Statement / Schedule ‘B’ filed today, there are no liabilities of the deceased that require settlement. In support of this petition, the petitioner has filed (a) original Death Certificate dated 11.12.2015 of the deceased issued by NADRA / Clifton Cantonment Board, (b) original Certificate of Death dated 16.01.2013 of Mr. Nusrat Rasheed Siddiqi, issued by the City of New York, Department of Health and Mental Hygiene, (c) copy of Family Registration Certificate of the deceased issued by NADRA on 17.03.2016, (d) copy of registered Sub-Lease in Form ‘A’ dated 17.07.1995, in respect of Plot No.43/I, Khayaban-e-Ghazi, Phase V, DHA, Karachi, measuring 1,000 sq. yds., executed by PDOHA in favour of the deceased, (e) copy of registered Lease in Form “B” dated 29.07.1989, in respect of the said Plot No.43/I executed by PDOHA in favour of the deceased,

(f) copy of registered Lease Deed dated 31.10.1992, executed by Sindh Govt. Employees Co-operative Housing Society Ltd., Karachi, in respect of Plot No.58-C/4, Block No.A/I, Sector No.I, measuring 600 sq. yds. in Gulshan-e-Mehran Improvement Scheme, KDA Scheme No.33, Karachi, in favour of the deceased, (g) copy of registered Indenture of Sub-Lease dated 26.12.1988 in respect of Office No.00517 on 5th floor of the building known as 'Panorama Centre', Fatima Jinnah Road, Saddar, Karachi, executed by Panorama Enterprises Ltd., (h) copy of registered Deed of Sale / Conveyance dated 18.07.1989 in respect of the said Office No.00517 in favour of the deceased, and (i) copy of statement of account issued by Standard Chartered Bank (Pakistan) Ltd., Clifton Branch, Karachi, in respect of Account No.18-2023180-01 of the deceased.

3. The other surviving legal heirs / sister and brother of the petitioner 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. The petition is also supported by the affidavits of two witnesses ; namely, (1) Muhammad Mohsin S/O Muhammad Arif, CNIC No.34202-8254754-7 and (2) Zahid Asghar S/O Muhammad Asghar, CNIC No.34202-2190895-5, who are present in Court.

4. Notice of this petition was published in Urdu daily 'Express' on 02.01.2016 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 28.04.2016, 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