

IN THE HIGH COURT OF SINDH KARACHI

S. M. A. No. 91 of 2014

Date	Order with signature of Judge
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1. For orders on CMA No.1309/2015 (If granted) :
2. For hearing of Main Petition :

25.11.2015 : Mirza Mahmood Baig, advocate for the petitioner along with one of the legal heirs ; namely, Ms. Saima Masud Nasir, holding Passport No.4751820909, present in person.

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**NADEEM AKHTAR, J.** – (1) Urgency granted.

(2) The petitioner Saad Mirza has filed this petition under Sections 278 and 372 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 parents. It is stated in the petition that on the death of his wife on 08.09.2011, the petitioner's father filed a Succession Petition No.623/2011 before the learned District Judge, Karachi-Central, which was dismissed for non-prosecution as on the day when the matter was fixed before this Court for appearance of the parties, the petitioner's father died on 21.12.2011 in a road accident, hence this petition has been filed in respect of both deceased parents. It is further stated that both the deceased died intestate and survived by only four (04) legal heirs ; namely, (1) daughter Ms. Amber Kashif, (2) daughter Ms. Saima Masud Nasir, (3) son Fahad Mirza, and (4) son Saad Mirza (petitioner), who are majors.

In support of this petition, the petitioner has filed (a) original death certificates of the deceased, (b) photocopies of CNICs of the deceased, (c) copy of registered Sale Deed dated 02.02.2012 in favour of the deceased in respect of the immovable property ; namely, Apartment No.B-1 on Ground Floor, measuring 2175 sq. ft. Block-B, being the 33% undivided share in residential plot of land bearing No.48/D-1, Survey Sheet No.35-P/1, situated at Muhammad Ali Memorial Cooperative Housing Society Ltd., Karachi, fully described in the Schedule attached to the petition, (e) Account Maintaining Certificate dated 14.05.2015, issued by BankIslami Pakistan Ltd. in the name of the deceased, (g) Account Maintaining Certificate dated 14.05.2015, issued by BankIslami Pakistan Ltd. in the joint names of the deceased and the petitioner, (h) Account Statement dated 12.05.2015 issued by United Bank Ltd., MACH

Society, Karachi. As per Schedule 'B' to the petition, there are no debts or liabilities of the deceased that require settlement.

The other legal heirs of the deceased have submitted their affidavits stating that they have no objection if Letters of Administration and the Succession Certificate are issued in the name of the petitioner. The petition is also supported by the affidavits of two witnesses, who are present in Court along with the petitioner.

Notice of this petition was published in Urdu daily 'Jang', Karachi, on 01.12.2014, and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 18.12.2014, 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 the 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.

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