

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

S. M. A. No. 91 of 2015

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

1. For orders on CMA No.1298/2015 (If granted) :
2. For hearing of Main Petition :

25.11.2015 : Mr. Akhtar Saeed, advocate for the petitioner along with the petitioner Ms. Maryam Salman Farooqi, CNIC No.420005-975338-2 and her sister Ms. Madiha Salman Farooqi, CNIC No.420005-755199-4.

.....

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

(2) The petitioner Ms. Maryam Salman Farooqi 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 her late mother Mst. Rahat Khanam (**‘the deceased’**) widow of late Muhammad Salman Farooqi, who passed away on 08.04.2015. It is stated that the deceased died intestate and is survived by only five (05) legal heirs ; namely, (1) son M. Adnan Farooqi, (2) son Saifur Rahman Farooqi, (3) son Fahad Farooqi, (4) daughter Ms. Maryam Salman Farooqi (the petitioner) and (5) daughter Ms. Madiha Salman Farooqi, who are majors.

In support of this petition, the petitioner has filed (a) photo stat copy of CNIC of the deceased, (b) original death certificate of the deceased, (c) original family certificate, (d) 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, Ground Floor, measuring 2,175 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 in 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 Bank Islami Pakistan Ltd. in respect of the deceased’s account No.1005-0001937-0201, (f) ‘Account Maintaining Certificate’ dated 14.05.2015, issued by Bank Islami Pakistan Ltd. in respect of account No.1005-0006564-0201 in the joint names of the deceased and her daughter Ms. Madiha Salman Farooqi, and (g) statement of account dated 12.05.2015 issued by United Bank Ltd., MACH Society, Karachi, in respect of account No.045301041617 in the name of the deceased. As per Schedule ‘B’ to the petition, there are no debts or liabilities of the deceased that require settlement.

All 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 issued in the name of the petitioner. The petition is also supported by the affidavits of two witnesses.

Notice of this petition was published in Urdu daily 'Express', Karachi, on 04.06.2015, and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 20.08.2015, 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.

J U D G E