

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 549 of 2021

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

- For orders on CMA No.875/2022 (Urgency) :
- For orders on CMA No.363/2022 (U/O VI Rule 17 CPC) :
- For orders on CMA No.780/2022 (U/O XXII Rule 3 CPC) :
- For orders on main case :

12.04.2022 :

Mr. Muhammad Aslam, advocate for the petitioner.

.....

NADEEM AKHTAR, J. – The petitioner Shahzad Noor has filed this petition under Section 278 of the Succession Act, 1925, for the grant of Letters of Administration in respect of the immovable property left by his late mother Mst. Bilqis Abdul Sattar W/O Abdul Sattar (**‘the deceased’**), who passed away at Karachi on 20.12.2020. It is stated that the deceased died intestate and had survived only by the following five (05) legal heirs :

- | | | |
|-------|---------------------------|---------|
| (i) | Abdul Sattar Noor | husband |
| (ii) | Shahzad Noor (petitioner) | son |
| (iii) | Amjad Noor | son |
| (iv) | Irfan Noor | son |
| (v) | Adnan Noor | son |

2. The petitioner has filed CMA Nos.363/2022 and 780/2022 praying that as Abdul Sattar Noor, the husband of the deceased, has passed away on 11.01.2022, she may be allowed to amend the petition by bringing on record the legal heirs of the said Abdul Sattar Noor in his place. Since the legal heirs of the deceased and her above named husband are the same, who are already disclosed in the petition, no formal amendment in the above terms is necessary.

3. As per the details disclosed by the petitioner in the schedule of properties (page 21), the deceased has left one immovable property viz. Plot No.77, Survey No.26, measuring 600 sq. yds., with construction thereon, situated at 6th lane, Phase-VI, Pakistan Defense Officers Housing Authority, Karachi. In support of this petition, the petitioner has filed (a) original death certificate dated 24.12.2020 of the deceased (page 15) issued by Union Council concerned, and (b) copy of the Family Registration Certificate (page 17) of the deceased issued by NADRA on 28.12.2020 showing the names of all the above mentioned legal heirs of the deceased. The petitioner has also filed a ‘Decline Certificate’ dated 26.07.2021 issued by NADRA under Section 10 of The Letters of Administration and Succession Certificate Act, 2021, certifying that this matter requires adjudication under Section 5(b) of the aforesaid Act.

4. The other legal heirs have submitted their affidavits stating that they have no objection if the Letters of Administration are granted in the name of the petitioner / their brother. The petition is also supported by the affidavits of two witnesses. All the legal heirs, including the petitioner and the deceased's husband Abdul Sattar Noor, and one witness, had appeared before this Court on 07.12.2021, and the second witness had appeared on 17.03.2022.

5. Notice of this petition was published in Urdu daily 'Jang' on 06.11.2021 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 18.11.2021, 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 the Letters of Administration in the name of the petitioner. Accordingly, let the Letters of Administration be issued in the name of the petitioner for distribution of the immovable property left by the deceased amongst her legal heirs according to *Shariah*, subject to deposit of the original title documents of the said immovable property by the petitioner with the Nazir of this Court and execution of personal bond by him.

The instant petition is allowed in the above terms.

J U D G E