

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S. M. A. No. 619 of 2021

Date	Order with signature of Judge
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- For orders on CMA No.887/2022 (If granted) :
- For orders on CMA No.888/2022 (U/S 151 CPC) :
- For hearing of main petition :

13.04.2022 :

Mr. Muhammad Aqil, advocate for the petitioner.

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NADEEM AKHTAR, J. – The petitioner Mrs. Nasreen Tariq has filed this petition under Sections 278 and 372 of the Succession Act, 1925, for the grant of the Succession Certificate and Letters of Administration in respect of the movable and immovable properties, fully described in paragraph 2 of the petition and the Schedule of Properties (page 21) attached thereto, left by her late father Abdul Rashid Soorty S/O late Moosa Soorty (**“the deceased”**), who passed away at Karachi on 13.01.2019. The petitioner has stated in the petition that Mrs. Rabia Rashid, the wife of the deceased, had passed away on 25.01.2011 during the lifetime of the deceased, and the deceased died intestate and is survived only by the following four (04) legal heirs :

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| (i) | Mrs. Yasmeen Asif | daughter |
| (ii) | Shahid Rashid Soorty | son |
| (iii) | Mrs. Nasreen Tariq (petitioner) | daughter |
| (iv) | Zahid Rashid Soorty | son |

2. In support of this petition, the petitioner has filed (a) the original death registration certificate dated 08.02.2021 of the deceased issued by the Union Committee concerned ; (b) copy of the death registration certificate dated 21.02.2011 of Mrs. Rabia Rashid, wife of the deceased, issued by the Cantonment Board Clifton ; (c) copy of the family registration certificate issued by NADRA on 19.02.2019 showing names of the legal heirs of the deceased as his family members ; and, (d) copies of the title documents of all the immovable properties left by the deceased. As per the statement available at page 49, the immovable properties left by the deceased are free from all types of mortgages, liabilities, encumbrances, liens, etc.

3. The legal heirs of the deceased have submitted their affidavits stating that they have no objection if the Succession Certificate and Letters of Administration are granted in the name of the petitioner. Two witnesses viz.

Muhammad Nasir and Abdul Aziz Panjwani have filed their affidavits confirming the fact about the death of the deceased, and also that he is survived only by the legal heirs disclosed in the petition. All the legal heirs, including the petitioner, as well as the above named witnesses had appeared before this Court on 08.02.2022 when their personal appearance in future was dispensed with.

4. In compliance of the order passed on 08.02.2022, the title of all the immovable properties was verified which was found to be in the name of the deceased. The listed CMA No.888/2022 has been filed by the petitioner praying that the amended schedule of immovable properties filed by her be taken on record as the immovable property mentioned at serial No.VI in the original schedule has been deleted therefrom due to the reason disclosed in the said application. Order accordingly.

5. Notice of this petition was published in Urdu daily 'Jang' and Sindhi daily 'Kawish' on 29.12.2021 and 25.12.2021, respectively, and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 13.01.2022, 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 the Succession Certificate and Letters of Administration in the name of the petitioner. The petitioner requests that as the legal heirs are not in a position to furnish surety, she may be allowed to deposit the original title documents of the immovable properties left by the deceased as surety. She states that she shall also execute her personal bond to the extent of the value of the said immovable properties left by the deceased. As this is a non-contentious matter, the above request is allowed.

6. Subject to the deposit of the original title documents of the immovable properties left by the deceased as surety by the petitioner and execution of her personal bond to the extent of the total value of the said immovable properties, let the Succession Certificate and Letters of Administration be issued in her name as per Rules.

The instant petition stands allowed in the above terms.

J U D G E