

IN THE HIGH COURT OF SINDH KARACHI

**S. M. A. No. 248 of 2021**

Date	Order with signature of Judge
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1. For orders on CMA No.794/2022 (Urgency) :
2. For hearing of Main Petition :

**31.03.2022** :

Syed Farhat Hussain Naqvi, advocate for the petitioner.

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**NADEEM AKHTAR, J.** – The petitioner Jawwad Ahmed Shabbir 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 left by his late father Shabbir Ahmed (**‘the deceased’**), who passed away on 30.11.2020. It is stated that the deceased died intestate and is survived by the following five (05) legal heirs, who are major :

- |      |                                   |          |
|------|-----------------------------------|----------|
| i.   | Mst. Sadaqat Shabbir              | widow    |
| ii.  | Jawwad Ahmed Shabbir (petitioner) | son      |
| iii. | Fawad Ahmed Shabbir               | son      |
| iv.  | Mian Muhammad Usman Bashir        | son      |
| v.   | Ms. Nida Asim                     | daughter |

2. In support of this petition, the petitioner has filed (a) original death certificate dated 20.01.2021 of the deceased issued by the District Municipal Corporation concerned ; (b) copy of family registration certificate issued by NADRA on 24.03.2021 showing names of all legal heirs of the deceased ; (c) copies of title documents of the immovable properties described in schedule ‘A’ ; (d) copies of the registration books of vehicle No.KV-8051 and motorcycle No.KMY-0351 ; and, (e) copies arms license Nos. 00551080411 and 1146106.

3. The other legal heirs 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. The petition is also supported by the affidavits of two witnesses. All the legal heirs, including the petitioner, as well as the witnesses had appeared before this Court on 13.09.2021 when their personal appearance in future was dispensed with.

4. Notice of this petition was published in Urdu daily ‘JANG’, Karachi, on 17.11.2021, and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 02.12.2021, 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 Succession Certificate and Letters of Administration in the name of the petitioner. It is stated that the petitioner and other legal heirs are not in a position to furnish surety, the petitioner may be allowed to deposit the original title documents of the immovable properties left by the deceased as surety. As this is a non-contentious matter, the above request is allowed.

5. 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 his personal bond to the extent of the total value of all the movable and immovable properties, let the Succession Certificate and Letters of Administration be issued in his name as per Rules.

The instant petition stands allowed in the above terms.

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