

IN THE HIGH COURT OF SINDH KARACHI

S. M. A. No. 357 of 2021

Date	Order with signature of Judge
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1. For orders on CMA No.871/2022 (Urgency) :
2. For hearing of Main Petition :

08.04.2022 :

Mr. Muhammad Salman Noor, advocate for the petitioner.

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NADEEM AKHTAR, J. – The petitioner Syed Zohaib-ul-Yaqin 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 9 of the petition and the schedules of immovable and movable properties therewith, left by his late father Muhammad Ajaz-ul-Yaqin (**‘the deceased’**), who passed away on 03.03.2021. It is stated in the petition that the deceased had divorced his wife Mst. Musarrat during his life time ; he died intestate ; and, is survived only by the following three (03) legal heirs, who are major :

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| i. | Syed Zia-ul-Yaqin | son |
| ii. | Syed Azeem-ul-Yaqin | son |
| iii. | Syed Zohaib-ul-Yaqin (the petitioner) | son |

2. In support of this petition, the petitioner has filed (a) original death certificate dated 09.03.2021 of the deceased issued by the Union Committee-21, DMC South, Karachi ; (b) copy of divorce registration certificate dated 05.05.2017 issued by the Union Council concerned in respect of the divorce pronounced by the deceased to his wife Mst. Musarrat ; (c) copy of FRC issued by NADRA dated 09.03.2021 ; (d) copies of the title documents of the immovable properties left by the deceased ; (e) copies of Behood Saving Certificates and Regular Income Certificates ; (f) copies of the registration books of vehicles ; and, (g) bank account statements.

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 / their brother. The petition is also supported by the affidavits of two witnesses. All the legal heirs, including the petitioner, and the witnesses had appeared before this Court on 10.03.2022. As per the statement available at page 53-A, the immovable properties left by the deceased are free from all types of encumbrances.

4. Notice of this petition was published in Urdu daily 'JANG', Karachi, on 29.10.2021, and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 11.11.2021, 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 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