

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**SMA NO.496/2021**

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Date

Order with signature of Judge  
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**29.10.2021**

Mr. Mudassir Hussain Joya advocate alongwith petitioner Afzal Hussain and witnesses Mohsin Ali and Masroor Ali.

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Office note dated 14.10.2021 is that :-

As per contents of main petition, the above named deceased expired on 27.01.2018 at Karachi. Original death certificate and family registration certificate are attached in the case file at page No. 17-19. Deceased above named has left behind the following legal heirs as per Petition.

1. Janni Khatoon, widow
2. Mazhar Hussain, son
3. Saima Batool, daughter
4. Nusrat Khatoon, daughter
5. Afzal Hussain, son/petitioner.

Legal heir No. 5 is the petitioner who is son of deceased. All the legal heirs have executed Special Power of Attorney in favour of Petitioner duly attested by Notary Public Khairpur. (Page Nos. 53-77)

Affidavits of two witnesses, namely, (1) Masroor Ali son of Ghulam Mustafa Wasan and (2) Mohsin Ali son of Ghulam Mustafa Wasan, are also on record. (Page No. 79-83)

As per schedule of properties (Pave No. 21) the above named deceased has left (1) one immovable property. Photocopies of title documents of immovable property are attached in the case file (Page Nos. 29-51). Original documents of Immovable property have been seen and returned.

Mr. Mudassir Hussain Joya learned counsel for the petitioner is present Petitioner.

Publication of main petition has been effected in daily Jang, Karachi dated 30.09.2021 but none has filed any objection from any corner. Copy of publication is available on the record.”

2. On publication of notice none has come forward to contest the case. Accordingly, SMA is allowed. Letter of administration shall be issued.

3. Needless to mention that issuance of letter of administration shall not be treated as declaration with regard to legal character of the property and that shall be only to facilitate the administrator to deal with the property. Custodian(s) of records of rights shall be competent to pass any order without being influenced by the order of this court if he/they are of the view that legal character of the property is under clouds.

**J U D G E**