

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
S.M.A. No. 539 of 2020

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

For hearing of main petition.

11.02.2021

Mr. Khawaja Sajjad Ahmed, advocate for petitioner.

Through the instant petition, petitioner Aamir Yousuf has prayed for the grant of Letter of Administration in respect of immoveable property/asset, details whereof are mentioned in the Schedule of Property attached with the memo of petition, available at page 19, which was left by his deceased father, namely, Muhammad Yousuf, who allegedly died on 4th September, 2019 at Karachi, leaving behind him seven legal heirs, details whereof are mentioned in paragraph No. 6 of the memo of petition. Original Death Certificate of deceased as well as photostat copies of Family Registration Certificate, issued by the NADRA and title documents of the immovable property are also filed at page 13 to 17 and 25 to 35.

Legal heirs No. 1, 2, 4 & 6 have filed their Affidavits of No-Objection for the grant of Letter of Administration in favour of the petitioner/legal heir No.5, while legal heirs No. 3 & 7 have executed Special Power of Attorney duly authenticated by the MRP Operational Officer in the Consulate General of Pakistan at Montreal, Canada and Consular Attache in the Consulate General of Pakistan at New York, U.S.A. in favour of the petitioner, who being their Attorney has filed such Affidavit of No-Objection on their behalf, which are available on record.

Two witnesses, namely, Danish Suleman and Afzal Dawood have also filed their respective affidavits and affirmed that there is no other legal heir of the deceased except mentioned above. Their affidavits are also available on record.

Notice of this petition was published in Daily “Jang” Karachi dated 7th January, 2021; however, none has filed any objection to the grant of Letter of Administration to petitioner, as per the report submitted by the Deputy Registrar (OS) on 28th January, 2021.

Today petitioner and legal heirs No. 1, 2, 4 & 6 as well as above named witnesses are present. They affirm the contents of memo of petition as well as their affidavits and also verify their signatures made thereon.

Since all the legal formalities/requirements have been fulfilled, there is no impediment in grant of Letter of Administration to petitioner, therefore, the petition is allowed. The office is directed to issue Letter of Administration in respect of immovable property/asset shown in the Schedule of Property, as per rules.

At this juncture, learned counsel for the petitioner states that since no one has come forward to raise objection for the grant of this petition, the petitioner may be exempted from furnishing two securities/sureties for issuance of Letter of Administration and permitted to deposit title documents of the immovable property mentioned in the Schedule of Property for the grant of Letter of Administration.

Looking to the fact that despite publication in newspaper none has raised any objection for the grant of Letter of Administration in favour of the petitioner, the request is allowed. Nazir is directed to accept original title documents of the subject property as surety for issuance of Letter of Administration.

J U D G E