## ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI SMA No.143 of 2015.

Date Order with signature of Judge

1. For hearing of main petition.

2. For orders on Nazir's report dated 14.10.2015.

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19.01.2016

Mr. Ahmed Khan Bughti, Advocate for Petitioner alongwith Petitioner.

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The petitioners Muhammad Zobair Alam, Mrs. Rokhsana Perveen and Dr. Shaheena Zareen Owais have filed this petition for grant of Letters of Administration under Section 278 of Succession Act, 1925 and Succession Certificate under section 372 of the Succession Act, 1925 stating therein that deceased Late Air Commodore Mohammad Mahmood Alam and Late Mrs. Ozra Sultana, died on 18.03.2013 and 18.02.2014 respectively. Such extract of death register is placed on record. Deceased persons at the time of their death left behind the following legal heirs:-

Legal Heirs of Late Air Commodore Mohammad Mahmood Alam.

1. Mohammad Zobair Alam	 Brother
2. Mrs. Rokhsana Perveen	 Sister.
3. Dr. Shaheena Zareen Owais	 Sister.
4. Mohammad Anwar Alam	 Brother.
5. Mrs. Noushaba Wahab	 Sister
6. Mrs. Kishwar Farooqui	 Sister.
7. Dr. Mohammad Sajjad Alam	 Brother.
8. Dr. Mohammad Shahid Alam	 Brother.
9. Mrs. Farzana Nasreen	 Sister
10. Late Mrs. Ozra Sultana	 sister.

Legal Heirs of Late Mrs. Ozra Sultana

1.	Mrs. Naureen Abdul	 Sister.
2.	Rafiq Qureshi.	 Second husband.

At the time of death the deceased Mohammad Mehmood Alam left the following movable and immovable properties:

Immovable property

A) Agricultural Land measuring 394 Kanals of Marlas situated in chuk No. 5/3-L situated Tehsil Ahmed Pur Sial District Jhung) Valued as per petitioners' Knowledge: Rs.200,000,000/-

Moveable property

B) PLS saving A/c. No.0489-00210686. Habib Bank Limted.
T.W MESS PAF BASE CHAKLALA, Branch Rawalpindi.

C) PLS saving A/C. No.0028-00360390-01

Further order dated 25.08.2015 reflects as under:

"Petitioners Muhammad Zobair Alam, Mrs. Rokhsana Perveen and Dr. Shaheena ZAreen Owais are present. Muhammad Anwar Alam brother of deceased No.1 appeared on 07.08.2015 before this Court and recorded his no objection in favour of petitioners. Legal heirs Naushaba Wahab and Kishawar Farooqi are present and recorded no objection in favour of petitioners. Legal heirs Dr. Mohammad Sajjad Alam and Dr. Mohammad Shahid Alam are stated to be in USA, they both have filed their affidavits of no objection, duly attested by Department of State, United States of America. Legal heir Farzana Nasreen is stated to be at Canada, she has also filed her affidavit of no objection in favour of the petitioners duly attested by Consulate General of Pakistan, Toronto. Naureen Abdul, legal heir of late Ozra Sultana, is stated to be in USA, she has also filed her affidavit of no objection, duly attested by High Commissioner for Pakistan, USA and also executed Special Power of Attorney in favour of petitioners, which are available at Pages-49 to 57. Rafiq Qureshi is legal heir and second husband of late Ozra Sultana, is respondent."

Thereafter, matter was fixed for hearing on objection filed by Rafiq Qureshi

husaband of late Mrs. Ozra Sultana.

Report dated 17.04.2015 submitted by Nazir reveals that deceased was serving in Air Force and Air Force authorities are willing to transfer the property of deceased in favour of their legal heirs.

While considering the objection in shape of affidavit filed by Muhammad Rafiq Qureshi one of the legal of deceased Mrs. Ozra Sultana, it is surfaced that objections with regard to power of attorney executed by legal heirs who are living abroad and with regard to property, there is no legal objection or any independent claim. Accordingly I have no hesitation to allow the instant SMA to the extent of bank accounts as mentioned in Nazir's report, thus, Nazir shall receive amount deposited in the banks by the deceased with interest and distribute the same among the legal heirs through cross-cheque directly or at the request of parties same may be deposited in their accounts. With regard to landed property, when candidly, there is no dispute on Legal heir-ship and independent claim, hence concerned authorities are legally bound to change "*FOTI KHATA BADAL*" as per land revenue laws. Parties would be at liberty to approach directly before the revenue authority.

## JUDGE