

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 375 of 2021

Date	Order with signature of Judge
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1. For orders on CMA No.1141/2022 (Urgency) :
2. For hearing of main petition :

10.05.2022 :

Mr. Muhammad Faisal Gulfam, advocate for the petitioner
a/w the petitioner Muhammad Atif Farooqui.

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NADEEM AKHTAR, J. – The petitioner Muhammad Atif Farooqui has filed this petition under Sections 278 and 372 of the Succession Act, 1925, for the grant of Letters of Administration in respect of the immovable properties left by his late father **Mr. Khursheed Umer Farooqui** son of Mr. Muhammad Ibrahim Farooqui (**‘the deceased’**), who passed away at Karachi on 10.11.2020. It is stated that the deceased died intestate and is survived only by the following three (03) legal heirs :

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| (i) Mrs. Mahnaz Khursheed | widow |
| (ii) Muhammad Talha Farooqui | son |
| (iii) Muhammad Atif Farooqui (petitioner) | son |

2. As per the details disclosed by the petitioner in the amended schedule of properties filed in pursuance of order dated 09.02.2022, the deceased has left three immovable properties viz. (i) Plot No.42, Street / Lane 14, Sector D, D.H.A. Phase V, Islamabad, Pakistan, (ii) Plot No.636, Street No.15, Road 03, Bahria Hills, Karachi, and (iii) Plot No.61-C, Block-B, Sector III, Gulshan-e-Mehran, Karachi. The deceased has also left saving certificates and share certificates as mentioned at Serial Nos.4 and 5 in the aforesaid amended schedule. It is stated that the parents of the deceased had passed away during his life time.

3. In support of this petition, the petitioner has filed (a) copy of the death certificate of the mother of the deceased viz. Mst. Saghirun Nisa (page 13) issued in May 2014 ; (b) copy of the death certificate of the father of the deceased viz. Mr. Muhammad Ibrahim Farooqui (page 15) issued on 05.05.2014 ; (c) original death certificate (page 17) of the deceased issued on 15.12.2020 by the Union Council concerned ; (d) copy of the Family Registration Certificate (page 19) of the deceased issued by NADRA on 28.01.2021 showing the names of all the above mentioned legal heirs of the deceased ; and, (e) copies of the relevant documents in relation to the above

mentioned immovable properties, saving certificate and share certificates left by the deceased.

4. The widow of the deceased / mother of the petitioner has submitted her affidavit stating that she has no objection if the Letters of Administration and Succession Certificate are granted in the name of the petitioner. Legal heir No.(ii) Muhammad Talha Farooqui has executed a special power of attorney dated 08.04.2021 in favour of the petitioner which has been duly attested by the Embassy of Pakistan, Riyadh, Saudi Arabia, the original whereof is available at page 41. 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 09.02.2022.

5. Notice of this petition was published in Urdu daily 'Jang', Karachi and Rawalpindi on 19.06.2021 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 09.09.2021, no objection whatsoever has been received from any quarter. The orders passed on 21.10.2021 and 20.01.2022 by the Deputy Registrar (O.S) show that the authorities concerned have verified that the above mentioned immovable properties are in the name of the deceased. As all the formalities have been completed as per rules, there appears to be no impediment in the grant of the Letters of Administration and Succession Certificate in the name of the petitioner. The petitioner requests that as the legal heirs are not in a position to furnish surety, he may be allowed to deposit the original title documents of the immovable properties left by the deceased as surety. He states that he shall also execute his personal bond to the extent of the value of all the movable and immovable properties left by the deceased. As this is a non-contentious matter, the above request is allowed.

6. 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 the movable and immovable properties described in the amended schedule of properties, let the Succession Certificate and Letters of Administration be issued in his name as per Rules.

The instant petition is allowed in the above terms.

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