

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 130 of 2020

Date	Order with signature of Judge
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1. For orders on CMA No.1150/2022 (Urgency) :
2. For hearing of main petition :

12.05.2022 :

Mr. Mohammad Mustafa Hussain, advocate for the petitioner a/w petitioner Rehan Julian Ali (CNIC # 42301-7498395-1) and witnesses Haris Ahmad (CNIC # 42101-3425683-3) and Anwar Ahmed Meenai (CNIC # 42000-4668642-9).

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NADEEM AKHTAR, J. – The petitioner Rehan Julian Ali has filed this petition under Sections 278 and 372 of the Succession Act, 1925, for the grant of the Letters of Administration and Succession Certificate in respect of the movable and immovable properties left by his late father **Dr. Saiyed Mohsin Azhar Ali** S/O Syed Azhar Ali (**‘the deceased’**), who passed away in U.S.A. on 23.09.2019. It is stated that the deceased died intestate and is survived only by the following two (02) legal heirs :

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| (i) Mrs. Valerie Ali | widow |
| (ii) Rehan Julian Ali | son (petitioner) |

2. As per the details disclosed by the petitioner in Schedule ‘A’ dated 02.04.2022, the deceased has left three immovable properties viz. (i) Plot No.33/I/II, measuring 500 sq. yds., Khayaban-e-Badar, Phase-VI, DHA, Karachi, with construction thereon, (ii) Plot No.A-0481, measuring 200 sq. yds., Sector 25, New Malir Housing Project, MDA Scheme No.1, Karachi, and (iii) Plot No.R-0512, measuring 100 sq. yds., Sector 24, New Malir Housing Project, MDA, Scheme No.1, Karachi. An amount of Rs.108,540.00 has been shown in the said Schedule ‘A’ as payable by Orthopedic and Medical Institute (Pvt.) Limited to the deceased towards his dues on account of professional fee.

3. In support of this petition, the petitioner has filed (a) copy of CNIC of the deceased, (b) original Certificate of Death dated 07.10.2019 issued by the Department of Health, Commonwealth of Virginia, USA, (c) copy of the U.S. passport of the widow of the deceased, (d) copy of CNIC of the petitioner, (e) copy of the Family Registration Certificate dated 08.12.2019 issued by NADRA wherein the petitioner has been shown as the son of the deceased and his above named widow, (f) copies of the nikahnama dated 25.01.1980 and its true English translation confirming the marriage between the deceased and his

above named widow, (g) copies of the title documents of all the three immovable properties, and (h) letter dated 04.03.2020 issued by Orthopedic and Medical Institute (Pvt.) Limited in respect of the above mentioned amount payable to the deceased towards his dues on account of professional fee.

4. The petitioner has filed (in original) the General Power of Attorney executed by his mother / widow of the deceased, duly attested by the Department of State, U.S.A., and the Embassy of Pakistan, Washington, D.C., U.S.A., authorizing him to file this petition in respect of the assets left by the deceased. The petition is also supported by the affidavits of two witnesses.

5. Notice of this petition was published in Urdu daily 'Jang' Karachi on 12.03.2020 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 20.08.2020, 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 the Letters of Administration 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 total 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 Schedule 'A', 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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