

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 02 of 2022

Date	Order with signature of Judge
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1. For orders on CMA No.1159/2022 (Urgency) :
2. For hearing of main petition :

12.05.2022 :

Ms. Raafia Murtaza, advocate for the petitioner
a/w the petitioner Mrs. Zia Ul Qamar (CNIC # 42101-9672033-8),
legal heir Mst. Bushra Anwar (CNIC # 33100-5913496-4), and
witnesses Saleh Misbah Khan (CNIC # 42301-7508214-5)
and Syed Umair Ahmed (CNIC # 42301-4941748-7).

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NADEEM AKHTAR, J. – The petitioner Mrs. Zia Ul Qamar has filed this petition under Sections 278 of the Succession Act, 1925, for the grant of Letters of Administration in respect of the immovable properties left by her late husband **Mr. Anwar Khan** son of Mr. Fazal Muhammad (**‘the deceased’**), who passed away in U.S.A. on 02.11.2011. It is stated that the deceased died intestate leaving behind him surviving the following six (06) legal heirs :

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| (i) Mst. Zia Ul Qamar | widow (petitioner) |
| (ii) Ms. Iffat Ibrahim | daughter |
| (iii) Ms. Bushra Anwar | daughter |
| (iv) Muhammad Umair Anwar | son |
| (v) Muhammad Saud Anwar | son |
| (vi) Muhammad Sohail Anwar | son |

2. It is stated in the petition that Mr. Muhammad Sohail Anwar, one of the legal heirs / sons of the deceased, passed away on 18.02.2021 i.e. after the demise of the deceased ; and, his following legal heirs have inherited his share from the estate of the deceased :

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| (a) Mrs. Fariha Anwar | widow |
| (b) Zarak Mehmood Anwar | son |
| (c) Hazik Mahmood Anwar | son |
| (d) Arbaz Mahmood Anwar | son |

3. As per the details disclosed by the petitioner in Schedule ‘A’ of immovable properties filed on 07.04.2022, the deceased has left three immovable properties viz. (i) House No.E-102, measuring 1,500 sq. yds., Block F, North Nazimabad, Scheme No.2, Karachi, (ii) Shop / Plot No.04-15/R, Block A, measuring 1,281.25 sq. ft., situated in Fruit Section, Fruit and Vegetable Market, New Sabzi Mandi, Super Highway, Karachi, and (iii) Shop / Plot No.04-

16/R, Block A, measuring 1,281.25 sq. ft., situated in Fruit Section, Fruit and Vegetable Market, New Sabzi Mandi, Super Highway, Karachi.

4. In support of this petition, the petitioner has filed (a) copies of CNIC and passport of the deceased, (b) attested true copy of the death certificate dated 04.11.2011 of the deceased, (c) copy of Family Registration Certificate dated 16.04.2021 issued by NADRA showing the names of all the above mentioned legal heirs of the deceased, (d) copy of death certificate dated 19.02.2021 of the legal heir / son viz. Muhammad Sohail Anwar, (e) copy of Family Registration Certificate of the said Muhammad Sohail Anwar dated 05.06.2021 issued by NADRA showing the names of his above mentioned legal heirs, and (f) copies of the title documents of all the above mentioned three immovable properties. The petitioner has also filed a 'Decline Certificate' dated 23.12.2021 issued by NADRA under Section 10 of The Sindh Letters of Administration and Succession Certificates Act, 2021, certifying that this matter requires adjudication under Section 5(b) of the aforesaid Act. As per the statement / schedule 'B' available at page 35, the immovable properties left by the deceased are free from all types of mortgages, liabilities, encumbrances, liens, etc.

5. All the legal heirs, including the legal heirs of late Muhammad Sohail Anwar, have submitted their affidavits stating that they have no objection if the Letters of Administration are granted in the name of the petitioner. The petition is supported by the affidavits of two witnesses. Legal heirs Bushra Anwar and the petitioner, and the witnesses are present before this Court.

6. Notice of this petition was published in Urdu daily 'Jang', Karachi on 10.01.2022 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 27.01.2022, no objection whatsoever has been received from any quarter. The orders passed on 24.02.2022 and 07.04.2022 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 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.

7. 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.

J U D G E