

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 390 of 2021

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

1. For orders on CMA No.1204/2022 (Urgency) :
2. For hearing of main petition :

**23.05.2022** :

Petitioner Amaduddin Siddiqui present in person.

.....

**NADEEM AKHTAR, J.** – The petitioner Amaduddin Siddiqui has filed this petition under Sections 278 and 372 of the Succession Act, 1925, for the grant of the Succession Certificate and Letters of Administration in respect of the immovable properties left by his late father **Mr. Mohiuddin Shamim Siddiqui** son of Majeeduddin Siddiqui and late mother **Mst. Farhat Jehan Hameedi** widow of Mr. Mohiuddin Shamim Siddiqui, who passed away at Karachi on 27.05.1999 and 13.05.2019, respectively. It is stated that the deceased died intestate and are survived only by the following six (06) legal heirs :

- |                            |                  |
|----------------------------|------------------|
| (i) Amaduddin Siddiqui     | son (petitioner) |
| (ii) Mst. Sabahat Farhi    | daughter         |
| (iii) Movaiduddin Siddiqui | son              |
| (iv) Mst. Lubna Farhi      | daughter         |
| (v) Mst. Samra Iftikhar    | daughter         |
| (vi) Fawaduddin Siddiqui   | son              |

2. As per the details disclosed by the petitioner in the schedule of properties (pages 25 and 27), his deceased parents have left three (03) immovable properties viz. (i) House No.A-191, measuring 200 sq. yds., Block 1, F. B. Area, Karachi, in the name of his deceased mother, (ii) House No. B-125, Block 6, measuring 400 sq. yds., Gulshan-e-Iqbal, Karachi, in the name of his deceased mother, and (iii) Plot measuring 400 sq. yds. (file No.31/60-B) in New Malir Housing Project, MDA Scheme-I, Karachi, in the name of his deceased father. The pension account No.GZIP/58630 belonging to his late father, which was subsequently transferred in the name of his late mother, and OGDCL shares owned by his late mother, are also mentioned in the aforesaid schedule.

3. In support of this petition, the petitioner has filed (a) original death certificate dated 02.06.2009 of his late father ; (b) original death certificate dated 28.10.2019 of his late mother ; (c) a copy of the Family Registration Certificate issued by NADRA on 03.08.2019 showing the names of all the above mentioned legal heirs of the deceased ; (d) a copy of an heirship

certificate dated 18.06.1999 in respect of his deceased father ; (e) a copy of the pension book, (f) copies of the letters issued by Central Depository Company of Pakistan Limited regarding the OGDCL shares ; and, (g) copies of title documents of the above mentioned immovable properties.

4. The legal heirs mentioned at numbers 2, 4 and 5 of paragraph 2 of the petition have submitted their affidavits (pages 131, 135 and 139) stating that they have no objection if the Succession Certificate and Letters of Administration are granted in the name of the petitioner. The legal heirs mentioned at numbers 3 and 6 of said paragraph have executed separate powers of attorney (pages 151 and 163) in favour of the petitioner. The petition is supported by the affidavits of two witnesses. All the legal heirs, including the petitioner, and the witnesses, had appeared before this Court on 17.08.2021.

5. Notice of this petition was published in Urdu daily 'Jang', Karachi on 30.09.2021 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 28.10.2021, 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 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 total value of all the movable and immovable properties left by the deceased. As this is a non-contentious matter, his request is allowed.

6. Subject to the deposit of the original title documents of all 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 Schedule (pages 25 and 27), 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