

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 521 of 2020

Date	Order with signature of Judge
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1. For orders on CMA No.1203/2022 (Urgency) :
2. For hearing of main petition :

23.05.2022 :

Mr. Samiullah Pathan, advocate for the petitioner a/w petitioner Muhammad Salim (CNIC # 42501-4337341-7), legal heirs Mst. Riffat Ara (CNIC # 34602-7148121-2), Mst. Kausar Shaukat Ali (CNIC # 42501-8550904-8), Mst. Bushra Naseer Ahmed (CNIC # 35401-1772944-6), and witnesses Israr Hussain (CNIC # 42501-1489179-7) and Aamir Hussain (CNIC # 42501-2460126-1)).

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NADEEM AKHTAR, J. – The petitioner Muhammad Salim 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 movable and immovable properties left by his late father **Muhammad Aslam** S/O Syed Fazal Din (**‘the deceased’**), who passed away at Karachi on 31.10.2020. It is stated that the deceased had contracted two marriages and Mst. Kulsoom Bibi, one of his wives and real mother of the petitioner, passed away on 02.07.2009. It is further stated that the deceased died intestate and is survived only by the following six (06) legal heirs :

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| (i) Mst. Riffat Ara | widow |
| (ii) Mst. Kausar Shoukat Ali | daughter |
| (iii) Mst. Bushra Naseer | daughter |
| (iv) Muhammad Salim | son (petitioner) |
| (v) Muhammad Naeem | son |
| (vi) Mst. Qaiser Atta-ur-Rehman | daughter |

2. As per the details disclosed by the petitioner in Schedule ‘B’ (page 17, the deceased has left four (04) immovable properties viz. (i) Plot No.G-17, measuring 400 sq. yds., with construction thereon, Cantt Bazar, District Malir, Karachi, (ii) residential Plot / Villa Number 29 / Precinct 43, measuring 500 sq. yds., Street 11, Bahria Sports City, Karachi, (iii) residential Plot / Villa Number 102 / Precinct 43, measuring 500 sq. yds., Street 05, Bahria Sports City, Karachi, and (iv) residential Plot / Villa Number 111 / Precinct 32, measuring 250 sq. yds., Street 7, Bahria Sports City, Karachi. Cash amounts lying in the bank accounts of the deceased with Fysal Bank, Malir Cantt. Branch, Karachi, and Bank Islami Pakistan Limited, Malir Cantt. Branch, Karachi, and term

deposit certificates in the name of the deceased, have also been disclosed in the said Schedule 'B'.

3. In support of this petition, the petitioner has filed (a) original death certificate of the deceased dated 09.11.2020 issued by the Union Council concerned, (b) a copy of the death certificate of Mst. Kulsoom Bibi dated 19.11.2020 issued by the Union Council concerned, (c) a copy of the Family Registration Certificate 18.11.2020 issued by NADRA showing the names of all the legal heirs of the deceased, (d) copies of bank statements and (e) copies of the title documents in respect of the immovable property mentioned at serial No.1 of Schedule 'B' and statements of account (surcharge report) of the remaining three immovable properties.

4. The petitioner has filed (in original) the General Power of Attorney dated 26.11.2020 (page 71) and Special Power of Attorney dated 22.01.2021 (page 79-A) executed by legal heirs Muhammad Naeem and Mst. Qaiser Atta-ur-Rehman, respectively, 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. All the legal heirs, including the petitioner, and the witnesses are present in Court, who reiterate the contents of the petition and the documents / affidavits filed in support thereof.

5. Notice of this petition was published in Urdu daily 'Jang' Karachi on 01.01.2021 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 28.01.2021, 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 in the name of the petitioner. 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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