

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

**S.M.A. No. 54 of 2022**

Date	Order with signature of Judge
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1. For orders on CMA No.1271/2022 (Urgency) :
2. For hearing of main petition :

**27.05.2022** :

Mr. Mazhar Ali, advocate for the petitioner  
a/w the petitioner Syed Osama Ali (CNIC # 42501-1113787-3),  
legal heirs Mst. Tazneem Fatima (CNIC # 42501-1595617-8),  
Mst. Javeria Arif (CNIC # 42501-2412213-0), and  
Minor Syed Areesh Ali, witnesses Muhammad Faseehullah  
(CNIC # 42201-1992067-3) and Syed Muhammad Rehan Qadri  
(CNIC # 42101-1944103-5).

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**NADEEM AKHTAR, J.** – The petitioner Syed Osama Ali has filed this petition under Sections 278 and 372 of the Succession Act, 1925, for the grant of Succession Certificate and Letters of Administration in respect of the movable and immovable properties left by his late father **Syed Arif Ali** S/O Mr. Syed Ashfaq Ali (**‘the deceased’**), who passed away in at Karachi on 30.12.2020. It is stated that the deceased died intestate leaving behind him surviving the following four (04) legal heirs :

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|-------------------------|------------------|
| (i) Mrs. Tasneem Fatima | widow            |
| (ii) Syed Osma Ali      | son (petitioner) |
| (iii) Mst. Javeria Arif | daughter         |
| (iv) Syed Areesh Ali    | son (minor)      |

2. As per the details disclosed by the petitioner in the schedule of movable and immovable properties (pages 27 and 29), there are fourteen (14) Pak Rupee and foreign currency bank accounts in the name of the deceased, and he has left one immovable property viz. Plot No.95, measuring 500 sq. yds., Defence Officers’ Housing Scheme, Phase-I, Malir Cantt., Karachi, with a house constructed thereon.

3. In support of this petition, the petitioner has filed (a) original death certificate of the deceased dated 15.01.2021 issued by the Union Committee concerned, (b) a copy of the Family Registration Certificate dated 26.10.2017 issued by NADRA showing the names of all the above mentioned legal heirs of the deceased, and (c) copies of the title documents of the immovable property and bank statements in respect of the bank accounts. The petitioner has also filed a ‘Decline Certificate’ dated 20.10.2021 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 of Liabilities or Loan' / Schedule 'C' available at page 37, the immovable property left by the deceased is free from all types of mortgages, liabilities, encumbrances, liens, etc.

4. All the legal heirs have submitted their affidavits stating that they have no objection if the Succession Certificate and Letters of Administration are granted in the name of the petitioner. The petition is supported by the affidavits of two witnesses. All the legal heirs, including the petitioner, and the witnesses are present before this Court.

5. Notice of this petition was published in Urdu daily 'Jang', Karachi on 28.03.2022 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 14.04.2022, no objection whatsoever has been received from any quarter. The order passed on 14.04.2022 by the Deputy Registrar (O.S) shows that the authority concerned has verified that the above mentioned immovable property is 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 Succession Certificate and 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 property 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 the schedule of properties, let the Succession Certificate and Letters of Administration be issued in his name as per Rules. The share of the minor legal heir / son Syed Areesh Ali shall remain with the Nazir of this Court till he attains the age or majority. The amount of his share shall be invested by the Nazir in any profit bearing Government scheme the profit whereof shall be paid, as and when it becomes due and payable, to his mother Mrs. Tasneem Fatima who is hereby appointed as his guardian at litem.

The instant petition is allowed in the above terms.

J U D G E