

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 324 of 2021

Date	Order with signature of Judge
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1. For orders on CMA No.1266/2022 (Urgency, if granted) :
2. For hearing of main petition :

01.06.2022 :

Mr. Umair Bachani, advocate for the petitioner
a/w petitioner Muhammad Sohaib (CNIC # 42301-1154262-1),
legal heirs Mst. Hoor Bano (CNIC # 42301-7654507-2),
Muhammad Imran (CNIC # 42301-3769616-7),
Ms. Amania Waseem (CNIC # 42301-6388230-0),
Ms. Sania Munir (CNIC # 42301-5556397-0),
and witnesses Sanjay Dhama (CNIC # 42301-0761263-7) and
Muhammad Amir (CNIC # 42201-7744805-3).

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NADEEM AKHTAR, J. – The petitioner Muhammad Sohaib has filed this petition 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 Munir** S/O Muhammad Younus (**‘the deceased’**), who passed away at Karachi on 23.08.2020. It is stated that the deceased died intestate and is survived only by the following five (05) legal heirs :

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| (i) Mst. Hoor Bano | widow |
| (ii) Muhammad Imran | son |
| (iii) Ms. Amania Waseem | daughter |
| (iv) Muhammad Sohaib | son (petitioner) |
| (v) Ms. Sania Munir | daughter |

2. As per the details disclosed by the petitioner in the amended schedule of properties (page 19), the deceased has left two (02) immovable properties viz. (i) House No.69, Khayaban-e-Ghazi, Phase-V, DHA, Karachi, admeasuring 2,000 sq. yds., and (ii) Shop No.2 (old Shop No.2 X 3), admeasuring 182 sq. ft. (11.6 X 15-10) situated on Plot No.42-C, Stadium Lane 3, Phase-V, DHA, Karachi. Cash amount lying in a bank account of the deceased and some jewelry and valuable articles lying in his bank locker have also been disclosed in the said amended schedule.

3. In support of this petition, the petitioner has filed (a) original death certificate of the deceased dated 11.09.2020 issued by the Union Council concerned, (b) a copy of the Family Registration Certificate 20.02.2021 issued by NADRA showing the names of all the above mentioned legal heirs of the

deceased, (c) copies of bank statements, and (d) copies of the title documents in respect of the two (02) immovable properties described in the amended schedule of properties. In compliance of order dated 09.07.2021, the Nazir of this Court has submitted a bank statement in respect of the bank account of the deceased along with his report dated 25.10.2021, and the details of the jewelry and valuable items lying in the bank locker of the deceased are mentioned in his report dated 27.07.2021.

4. The petitioner has filed affidavits of all the legal heirs wherein they have stated that they have no objection if the succession certificate and letters of administration are granted in favour of the petitioner. 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 27.01.2022 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 17.02.2022, no objection whatsoever has been received from any quarter. As per the orders passed by the Deputy Registrar (O.S) on 17.03.2022 and 07.04.2022, the title of both the subject immovable properties has been verified in the name of the deceased. 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. All the formalities have been completed as per rules and as such there appears to be no impediment in the grant of the Succession Certificate and Letters of Administration in the name of the petitioner. Subject to the deposit of the original title documents of both 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 (page 19), 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