

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 545 of 2021

Date	Order with signature of Judge
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1. For orders on CMA No.1285/2022 (Urgency) :
2. For hearing of main petition :

26.05.2022 :

Mr. Irfanullah Khan, advocate for the petitioner.

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NADEEM AKHTAR, J. – The petitioner Mrs. Naila Shamim 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 her late husband **Muhammad Shamim Akhtar** S/O Abdul Hakeem (**‘the deceased’**), who passed away at Karachi on 25.04.2013. It is stated that the deceased died intestate and is survived only by the following five (05) legal heirs :

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|---------------------------|--------------------|
| (i) Mrs. Naila Shamim | widow (petitioner) |
| (ii) Ms. Ingila Shamim | daughter |
| (iii) Ms. Ifrah Shamim | daughter |
| (iv) Muhammad Imad Akhtar | son |
| (v) Muhammad Ziyad Akhtar | son |

2. As per the details disclosed by the petitioner in the revised schedule of properties dated 19.01.2022, the deceased has left (i) one immovable property viz. House No.B-5, Sector 11-B, measuring 400 sq. yds., North Karachi, Karachi, (ii) all service benefits and facilities including gratuity, benevolent fund, pension, etc. as per the entitlement of the deceased as an employee of the Pakistan International Airlines, and (iii) cash amount lying in bank account No.00640004259701 of the deceased with Habib Bank Limited, Jinnah Terminal Branch, Quaid-e-Azam International Airport, Karachi.

3. In support of this petition, the petitioner has filed (a) original death certificate of the deceased dated 17.02.2015 issued by the Union Council concerned, (b) a copy of CNIC of the deceased, (c) a copy of the Family Registration Certificate dated 17.02.2021 issued by NADRA showing the names of all the legal heirs of the deceased, (d) a copy of the title document in respect of the above mentioned immovable property, and (e) bank statement of the above mentioned bank account of the deceased. As per the affidavit (page 29)

sworn by the petitioner, the immovable property left by the deceased is free from all types of claims, loans, liabilities, etc.

4. Legal heir Nos. (ii) to (v) have submitted their no objection, through their attorney / maternal uncle Ahmer Ilyas, if the Succession Certificate and Letters of Administration are granted in favour of their mother / petitioner. The original Special Power of Attorney executed by the legal heirs in favour of the said Ahmer Ilyas, duly attested by the Consulate General of Pakistan, Los Angeles, U.S.A., on 08.04.2021 is available on record at page 71. The said Ahmer Ilyas is also the attorney of the petitioner by virtue of Special Power of Attorney (page 79) executed by her which was duly attested by the Consulate General of Pakistan, Los Angeles, U.S.A., on 08.04.2021. The petition is also supported by the affidavits of two witnesses. The above named attorney of the petitioner and legal heirs and the witnesses had appeared in Court on 01.02.2022.

5. Notice of this petition was published in Urdu daily 'Jang' Karachi on 08.11.2021 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 25.11.2021, 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 her name as per Rules.

The instant petition is allowed in the above terms.

J U D G E