

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 523 of 2021

Date	Order with signature of Judge
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1. For orders on Nazir's report dated 29.10.2021 :
2. For hearing of main petition :

25.05.2022 :

Mr. Muhammad Salman Noor, advocate for the petitioner.

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NADEEM AKHTAR, J. – The petitioner Omair Saleh 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 the following persons, hereinafter jointly and collectively referred to as '**the deceased**' :

- (a) His late mother **Mrs. Tabbasum Nishat** W/O Saleh Muhammad and D/O late Asadullah Khan who passed away on 05.08.2010 ;
- (b) His maternal aunt **Mst. Ghazala Sultana** D/O late Asadullah Khan, who was unmarried and passed away on 31.01.2013 ;
- (c) His maternal aunt **Mst. Humaira Sultana** D/O late Asadullah Khan, who was also unmarried and passed away on 06.04.2017 ;
- (d) His maternal aunt **Mrs. Mumtaz Akhtar** W/O late Salamat Ali Khan and D/O late Asadullah Khan, who was issueless and passed away on 10.03.2020, and during her lifetime her husband passed away on 03.02.2017 ; and,
- (e) His maternal uncle **Mr. Saadullah Khan** S/O late Asadullah Khan, who was unmarried and passed away on 30.07.1992.

2. It is stated in the petition that the deceased died intestate. It is further stated that the petitioner's late mother Mst. Tabbasum Nishat is survived only by three (03) legal heirs viz. Saleh Muhammad (husband), Aamir Saleh (son) and Omair Saleh (son / petitioner) ; and the petitioner's late aunts Mst. Ghazala Sultana, Mst. Humaira Sultana and Mrs. Mumtaz Akhtar, and his late uncle Mr. Saadullah Khan, being unmarried or issueless, are survived only by two (02) legal heirs viz. Aamir Saleh (nephew) and Omair Saleh (nephew / petitioner).

3. In the schedule of immovable properties (page 47) filed by the petitioner, he has disclosed the following immovable properties left by the deceased :

A. House No.174-K, Block 2, measuring 600 sq. yds, P.E.C.H.S. Karachi, inherited by all the deceased after the death of their father and only brother.

B. His late aunt Mst. Ghazala Sultana has left the following immovable properties :

(i) 120 sq. yds. Plot in Sector No.1-88-2-R-285, Scheme No.45, Taiser Town, Karachi.

(ii) Apartment No.05, 2nd Floor, Block No.7, 1,400 sq. ft. in Alhamra Residency, 4-KM, Raiwind Road, Lahore.

(iii) Plot No.35, Street 12, Block-A, measuring 233 sq. yds. Civilian Employees Cooperative Housing Society Ltd. (CECHS), Soan Garden Housing Scheme, Islamabad.

(iv) Plot No.B-40, Category-II, Sector 24-B, Sub-Sector 15, Gulzar-e-Hijri, K.D.A. Scheme 33, Federal Government Employees Housing Scheme Phase-I, Karachi.

(v) Industrial Unit / Plot No158, Sector No.27, measuring 1,111 sq. yds. Korangi Township, Korangi Industrial Area, Karachi.

C. His late aunt Mst. Humaira Sultana has left the following immovable property :

Plot No.B-42, Category-II, Sector 24-B, Sub-Sector 14, Gulzar-e-Hijri, K.D.A. Scheme 33, Federal Government Employees Housing Scheme Phase-I, Karachi.

D. His late uncle Mr. Saadullah Khan has left the following immovable property :

Plot No.426, Sector E-12/2, measuring 500 sq. yds. Islamabad.

4. As per the schedule of movable properties (page 53), the deceased have left the following movable properties :

(i) Behbood Saving Certificate No.EA-631550 dated 18.11.2014, registration No.22511, for Rs.500,000.00, issued by the Government of Pakistan in the names of late Mrs. Mumtaz Akhtar and Mst. Humaira Sultana.

(ii) Behbood Saving Certificate No.EA-631551 dated 18.11.2014, registration No.22511, for Rs.500,000.00, issued by the Government of Pakistan in the names of Mrs. Mumtaz Akhtar and Mst. Humaira Sultana.

- (iii) Behbood Saving Certificate No.DC-901828 dated 18.11.2014, registration No.22511, for Rs.100,000.00, issued by the Government of Pakistan in the names of late Mrs. Mumtaz Akhtar and Mst. Humaira Sultana.
- (iv) Behbood Saving Certificate No.EA-901829 dated 18.11.2014, registration No.22511, for Rs.100,000.00, issued by the Government of Pakistan in the names of late Mrs. Mumtaz Akhtar and Mst. Humaira Sultana.
- (v) Behbood Saving Certificate No.E-954591 dated 12.01.2011, registration No.15958, for Rs.500,000.00, issued by the Government of Pakistan in the names of late Salamat Ali Khan and Mrs. Mumtaz Akhtar.
- (vi) Behbood Saving Certificate No.E-954591 dated 12.01.2011, registration No.15958, Rs.500,000.00, issued by the Government of Pakistan in the names of late Salamat Ali Khan and Mrs. Mumtaz Akhtar.
- (vii) Behbood Saving Certificate No.DB-477604 dated 12.01.2011, registration No.15958, Rs.100,000.00, issued by the Government of Pakistan in the names of late Salamat Ali Khan and Mrs. Mumtaz Akhtar.
- (viii) Behbood Saving Certificate No.D-477605 dated 12.01.2011, registration No.15958, Rs.100,000.00, issued by the Government of Pakistan in the names of late Salamat Ali Khan and Mrs. Mumtaz Akhtar.
- (ix) Amount of Rs.1,200,000.00 lying in the National Saving Centre Account No. PBA. 502 in the name of late Mrs. Mumtaz Akhtar.
- (x) As at 04.04.2017, an amount of Rs.462,739.16 was lying in PLS Account No.30114/6055 iban No.PK33, NBPA 0048 0030 1147 6055, with National Bank of Pakistan, 0048 P.E.C.H.S. Tariq Road, Karachi.

5. In support of the petition, the petitioner has filed (a) original death certificates of late Mrs. Tabbasum Nishat, Mst. Ghazala Sultana, Mst. Humaira Sultana, Mrs. Mumtaz Akhtar, Salamat Ali Khan and Saadullah Khan, dated 04.10.2010, 17.05.2013, 25.05.2017, 04.10.2010, 30.03.2017 and 11.08.1992, respectively, issued by the Union Councils / Zonal Municipal Corporation concerned, (b) copies of the Family Registration Certificates (FRC) dated 20.09.2018 and 26.09.2018 of late Mrs. Mumtaz Akhtar issued by NADRA showing the names of her late sisters and late husband Salamat Ali Khan as her only family members, (c) copy of the Family Registration Certificate (FRC) dated 20.09.2018 of late Mrs. Tabbasum Nishat issued by NADRA showing the names of her husband and sons, including the petitioner, as her only family members / legal heirs, (d) copies of the title documents of the immovable properties described in the Schedule of immovable properties, and (e) copies of Behbood Savings Certificates and bank account statement mentioned in the Schedule of movable properties.

6. The other legal heirs viz. Saleh Muhammad and Aamir Saleh have submitted their affidavits 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 had appeared before this Court on 13.05.2022.

7. Notice of this petition was published in Urdu daily 'Jang' Karachi on 24.11.2021 and was also affixed on the Court Notice Board. As per the report submitted by the Deputy Registrar (O.S.) on 02.12.2021, 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 present petition. Accordingly, let the Succession Certificate and Letters of Administration be issued in the name of the petitioner as per Rules.

The instant petition is allowed in the above terms.

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