ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

SMA NO.434/2019

Date Order with signature of Judge

For hearing of main petition.

14.12.2021

Mr. Nadeem A. Pirzada advocate alongwith petitioner Shumaila Saeed Khan and Romana Pirzada attorney of Muhammad Naeem Pirzada, Sumera Jabeen and Humera Jabeen Pirzada, as well witnesses Sher Afsar Khan and Sohail Shabbir.

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Office note dated 31.08.2021 reflects that :-

"As per contents of petition, the above named deceased persons expired 03.01.2019 and 06.05.2016 at Karachi. Original death certificates and family registration certificate are attached in the case file at page No.11-13. The deceased above named left behind the following legal heirs as per petition:

- 1. Muhammad Naeem Pirzada, son
- 2. Sumera Jabeen, daughter,
- 3. Humera Jabeen Pirzada, daughter
- 4. Shumaila Saeed Khan, daughter, petitioner

Legal heir No.4 is the petitioner who is daughter of deceased. Legal heir No. I has sworn affidavit of No objection in favour of petitioner and executed Special Power of Attorney in favour of Mrs. Romana Pirzada duly attested by Consulate General of Pakistan, Houston. (Page Nos.93-101)

Legal heir No.2 has sworn affidavit of No objection in favour of petitioner duly attested by Oath Commissioner Ilford, Essex and Special Power of attorney in favour Mrs. Romana Pirzada duly attested by Notary Public Karachi. (Page Nos.103-109)

Legal heir No. 3 has sworn affidavit of No objection in favour of petitioner and executed Special Power of Attorney in favour of Mrs. Romana Pirzada duly attested by Notary Public Karachi. (Page Nos.111-115)

Affidavits of two witnesses, namely (l) Sher khan son of Masoor Khan and (2) Sohail Shabbir son of Shabbir Ahmed, are also on record (Page No.119-121)

As per amended/revised schedule of properties (Page No.19/A, 19/B and 27) the above named deceased persons have left movable and Immovable Properties.

Photocopies of title documents of movable and immovable assets are attached in the case file (Page Nos. 37-917) while original documents of immovable property mentioned at Sr. No.1 have been produced while Nazir has verified the properties mentioned at Sr. Nos. 2 and 3 (i) and (ii).

Publication of petition has been effected in daily Jang, Karachi, and Kawish dated 12.06.2021 and 14.06.2021 but none has filed any objection from any corner."

Since there is no objection from any corner, thus petition is accordingly granted. Let the Letter of Administration and Succession Certificate be issued in accordance with the Rules. Needless to mention that Letter of Administration would be for the purpose of change of title of the subject matter properties in favour of the legal heirs and distributing moveable assets among the legal heirs under authenticated receipt(s)/cross cheque(s). Nazir shall ensure that amount available in all banks is received and distributed among the legal heirs accordingly.

Be that as it may, custodian(s) of the record of rights is/are required to act strictly in accordance with law. In case, the title of subject matter properties are under clouds in any manner or under adjudication by any Court of law, the Custodian(s) shall not be influenced by the order of this Court.

After mutation parties would be at liberty to relinquish their share however Nazir may facilitate them accordingly.