

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**SMA No.569 of 2021**

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Date

Order with signature of Judge  
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For hearing of main petition.

**02.12.2021**

Mr. Muhammad Daud Narejo advocate alongwith Fariha Mehar (Widow) and Muhammad Umar Mahar and witnesses Adil Saleh and Sardar Ali Depar.

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Office note dated 18.11.2021 reflects that :-

As per contents of petition, the above named deceased expired on 04.06.2011 at Karachi. Original death certificate and family registration certificate are attached in the case file at page No.13-23. Deceased above named left behind the following legal heirs as per petition:-

1. Fareeha Mahar, Widow
2. Muhammad Umar Mahar, Son (Petitioner)
3. Ayesha Mahar, daughter

Legal heir No.2 is the petitioner who is Son of deceased. Legal heir No.1 has sworn affidavit of No objection. Legal heir No.3 is minor. (Page No.51)

Counsel for the petitioner has filed an Application U/O. 32 Rule 3 CPC for appointment of legal heir No.1 as Guardian-ad-Litem of legal heir No.3 as she is her real mother. None has raised any objection against this application, therefore, the application is accordingly granted and legal heir No.1 namely Ayesha Mahar. Application U/O. 32 Rule 1 CPC is disposed of in above terms.

Affidavits of two witnesses namely (1) Adil Saleh son of Muhammad Saleh and (2) Sardar Ali Depar son of Ali Akbar Depar, are also on record (page Nos.53-55).

As per schedule of properties (page No. 25), the above named deceased has left 50% share in (01 immovable property. Photocopies of title documents of immovable property are attached in the case file (page No.31-45). Original documents of immovable property have been seen and returned.

Mr. Sajid Ali associate of learned counsel for the petitioner is present alongwith Petitioner and legal heir No.1.

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Publication of main petition has been effected in Daily Jang Karachi dated 03.11.2021 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 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 property in favour of the legal heirs.

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 property is 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.

**J U D G E**

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