## ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

## SMA NO.475/2021

Date Order with signature of Judge

For hearing of main petition.

## 25.11.2021

Mr. Munim Masood advocate alongwith petitioner Faiz Ahmed Allahwala (also attorney of Faraz Ahmed and Taania Saaid Japanwala), Nadia Rehman, Farhan Ahmed and witnesses Mustafaur-Rehman and Gul Muhammad Iqbal.

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Office note dated 02.09.2021 reflects that :-

"As per contents of petition, the above named deceased expired on 31.01.2019 at Karachi. Original death certificate and family registration certificate are attached in the case file at page No.15-17. The deceased above named left behind the following legal heirs as per petition:-

- 1. Faiz Ahmed Allahwala, son (petitioner)
- 2. Faraz Ahmed, son
- 3. Taania Saaid Japanwala, daughter,
- 4. Nadia Khan, daughter,
- 5. Farhan Ahmed, son

Legal heir No.1 is the petitioner who is widower of deceased. (He is son of the deceased) Legal heir Nos.2 and 3 have executed special power of attorney in favour of petitioner duly attested by consulate General of Pakistan, Dubai. Legal heir Nos.4 and 5 have sworn affidavit of no objection in favour of petitioner. (page Nos.163-193).

Affidavits of two witnesses namely (1) Gul Muhammad Iqbal son of Muhammad Iqbal and (2) Mustafa-ur-Rehman son of Ejaz-ur-Rehman are also on record (Page No.161) whereas original documents have been seen and returned.

As per schedule of properties (page No.19-21), the above named deceased has left 10 ten immovable properties. Photocopies of properties documents are attached in the case file (page Nos.31-161) while original immovable property documents have already been seen and returned.

Publication of main petition has been effected in Daily Jang Karachi dated 28.07.2021 but none has filed any objection from any corner."

Mr. Munim Masood learnd counsel for the petitioner is present alongwith petitioner, legal heir Nos.4 and 6.

Mr. Asif Shehzad, advocate is present and filed Vakalatnama one behalf of Dadabhoy Investment Pvt Limited and seeks time to file report with regard to properties mentioned at serial Nos.5 and 6.

Office has issued letters for verification of immovable properties, in reply whereof Assiant Director (Surjani) Land Management KDA vide report dated 26.08.2021 has verified the immovable properties mentioned at serial No.7, Karachi cooperative housing societies union limited has also verified the immovable property at serial No.1 whereas in the same letter / report it has reported that properties mentioned at serial Nos. 2, 3 and 4 are in the name of Ferozuddin son of Riazuddin.

Counsel for the petitioner is directed to satisfy with regard to the ownership of properties mentioned at serial Nos,2 3 and 4.

Office to issue reminder to the authorities for verification of properties mentioned at serial Nos.8, 9 and 10.

Counsel for petitioner filed revised schedule and deleted properties listed at No.5 and 6 of the schedule filled earlier. Further, sale deed in favour of deceased have been verified by concerned Microfilming Unit, Board of Revenue Sindh.

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 properties 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 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.

JUDGE

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