ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

SMA NO.286/2020

Date	Order with signature of Judge	

For hearing of main petition.

22.11.2021

Mr. Ahmed Choudhri advocate alongwith witness Asif Ahmed.

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Office note dated 19.11.2021 reflects that :-

As per contents of petition, the above named deceased expired on 14.05.2009 at Karachi. Original death certificate and family registration certificate are attached in the case file at page No.17-A to 19. The deceased above named left behind the following legal heirs as per petition:-

- 1. Mst. Shabana Majeed, widow (petitioner)
- 2. Asma Majeed, daughter
- 3. Faizan Majeed, son
- 4. Farhan Majeed, son
- 5. Tasneem Majeed, daughter

Legal heir No.1 is the petitioner who is widow of deceased. All the legal heirs have sworn affidavit of no objection in favour of petitioner except legal heir No.5 who is minor (page No.81-91).

Counsel for petitioner has also filed an application u/o XXXII rule1 and 2 CPC for appointment of petitioner as guardian ad-litem of legal heir o.5 as she is her real mother. None has raised any objection against this application, therefore, the application is accordingly granted and petitioner Mst. Shabana Majeed is appointed as guardian ad-litem of her minor namely Tasneem Majed. Application u/o XXXII rule 1 and 2 CPC is disposed of in above terms.

Affidavits of two witnesses namely (1) Asif Ali son of Bashir and (2) Mehbob Ali son of Ghulam Qadir, are also on record (Page No.93-99).

As per schedule of properties (page No.21), the above named deceased has left share in (02) two immovable properties. Photocopies of title documents of immovable properties are attached in the case file (page No.37-79) while original immovable property documents have already been seen and returned.

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Publication of main petition has been effected in Daily Jang Karachi and Quetta dated 30.11.2020 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 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 any of the subject matter properties 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.

JUDGE

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