ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

SMA NO.436/2021

Date Order with signature of Judge

- 1. For orders on CMA No. 2440 of 2021.
- 2. For hearing of main petition.

06th December 2021

Mr. Saathi M. Ishaque, advocate for the petitioners.

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Office note dated 09.09.2021 is that:-

"As per contents of petition, the above named deceased expired on 18.04.2021 at Karachi. Original death certificate and family registration certificate are attached in the case file at page No. 11-15. The deceased above named left behind the following legal heirs as per petition:-

1. Javed Ahmed Akhtar -Son (Petitioner).

2. Naveed Ahmed Akhtar -Son.

3. Tahir Saeed Akhtar -Son (Died on 8.07.2006) Through legal heirs.

a. Noor Jahan
b. Akhtar
c. Tahira
d. Ayesha
-Widow.
-Son.
-Daughter.
-Daughter.

Legal heir No.1 is the petitioner and son of deceased. All legal heirs have sworn affidavit of No Objection in favour of Petitioner No.1 (Page No. 117-135).

Affidavits of two witnesses, namely, (1) Muhammad Furqan Idrees son of Idrees son of Muhammad Idrees and (2) Faheem Ahmed son of Raja Muhammad Faridoon, are also on record (Page No. 137-143).

As per schedule of properties (Page No. 33) the above named deceased has left (01) one immovable property. Photocopies of documents of immovable property are available in the case file at page Nos.37-115. Counsel for the petitioner has filed photocopy of a letter issued by the construction company regarding handing over of possession of immovable property. Counsel for the petitioner has also filed photocopy of Form PT.I.

Office had issue letter for verification of letter issued by the construction company but same is returned unserved on the ground of incomplete address.

Publication of petition has been effected in daily Jang, Karachi dated: 07.07.2021 but none has filed any objection from any corner. Copy of publication is available on the record.

Mr. Abdul Hamid associate of learned counsel for the petitioner is requested to place the matter before the Hon'ble Court."

- 2. Petitioner seeks letter of administration with regard to subject matter property mentioned in the list of immovable properties and the documents attached with the petition pertain to booking of subject matter property in a project show that the same was purchased by the deceased Saeed Ahmed Akhtar. 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.
- 3. Be that as it may, custodian(s) of records 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.

JUDGE