

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

SMA No.30 of 2023

Order with signature of Judge(s)

For hearing of main petition.

19.03.2024

Mr. Yawar Faruqi, advocate and Mr. Asad Ali Riar, advocate for the petitioner.

Mr. Aliuddin Ahmed, witness 1.

Mr. Syed Ghani Shah, witness 2.

Per the Reports / Orders dated 27.04.2023, 25.05.2023, 07.09.2023, 16.11.2023, 18.01.2024, 01.02.2024 and 29.02.2024 of the Deputy Registrar (OS) ("Reports"), he has satisfied himself that all requisites to the hearing of the main petition, including its publication, have been fulfilled and no objection thereto has been received, therefore, the main petition shall be determined in terms herein.

This is a petition under Sections 278 and 372 of Succession Act, 1925, praying for Letters of Administration and Succession Certificate in respect of the estate of late Mohammad Sultan and late Shirin Abdul Sultan ("Deceased"), who passed away intestate at Karnataka, India on 03.02.2021 and on 12.12.2020 at Independent State of Papua New Guinea, respectively. Per the Report, the Deceased are survived by the legal heirs mentioned in the Report and the death certificate, and the family registration certificate are recorded as having been examined by the Deputy Registrar.

The estate of the deceased comprises of moveable and immovable properties mentioned in the Reports. The Reports record that the title documents in respect of the estate have been seen/verified by the Deputy Registrar / Nazir. The Report also catalogues that publication in respect hereof was undertaken in daily Jang, Karachi on 06.04.2023 and that no objection of any sort whatsoever has been received in this regard.

The presence of petitioner was exempted vide order dated 02.05.2023. The legal heir No.2 has filed affidavit of no objection, duly notarized by the Notary Public at California and seeking grant of the present petition as prayed. The two witnesses are also present in Court and have confirmed the contents of their affidavits filed herein.

In view of the foregoing, it appears that all the requisites have been completed to the satisfaction of the Deputy Registrar and there appears to be no impediment to the grant hereof, therefore, this petition is hereby allowed. The office is directed to issue letters of administration, in respect of the immovable properties recorded in the Reports, and succession certificate, in respect of the moveable properties recorded in the Reports, as per Rules.

Learned counsel submits on oral motion that the petitioner may be permitted to deposit the original/verified title documents of the immovable property as security for the grant of the letters of administration as it would be virtually impossible to secure the said instrument through any other means. The request appears to be reasonable and is hereby granted.

This petition stands allowed in terms herein contained.

Judge

Khuhro/PA