

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

SMA No.36 of 2024

Order with signature of Judge(s)

For hearing of main petition.

28.11.2024

Syed Irshad-ur-Rehman, advocate and Mr. Abdul Rehman Adeed, advocate for the petitioner.

Legal heir 2, Mahjabeen Qadir CNIC 42101-7214250-8, is present.

Legal heir 4, Abdul Wahab CNIC 42101-5142159-1, is present.

Legal heir 5, Nafeesa CNIC 42201-0402024-6, is present.

Legal heir 6, Muhammad Shahzad CNIC 42201-7920812-1, is present.

Legal heir 9, Muhammad Sohail CNIC 42201-7210473-5, is present.

Mr. Aziz Faruqui, witness 1.

Mr. Ebad Ur Rehman Siddiqui, witness 2.

Per the Reports / Orders dated 21.08.2023, 05.09.2024, 26.09.2024, 17.10.2024 and 07.11.2024 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 Aziza Qadir ("Deceased"), who passed away intestate at Karachi on 20.06.2021. Per the Report, the Deceased is survived by the legal heirs mentioned in the Report and the death certificate, and the family registration certificate is 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 26.07.2024 and that no objection of any sort whatsoever has been received in this regard.

The legal heirs No. 1 and 3 have executed General Power of Attorney in favour of the legal heir No.4, which are duly notarized by the Oath Commissioner and attested by the Embassy of Pakistan in UAE and Muscat respectively; the legal heirs No.7 and 8 have also executed General Power of Attorney in favour of the legal heir No.6, which is duly notarized by the Oath Commissioner, seeking the 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 property 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/EA