

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

SMA No.45 of 2024

Date

Order with signature of Judge(s)

1. For hearing of main petition.

29.11.2024

Mr. Adnan Ali, advocate for the petitioner.
Legal heir 1, Shabbir Ahmed Kehar is present.
Legal heir 2, Sidhra Kehar Zuberi is present.
Legal heir 3, Tahah Ahmed is present.
Mr. Abdul Haseeb, witness 1.
Mr. Abdul Moeed Kehar, witness 2.

Per the Reports / Orders dated 08.08.2024, 21.08.2024 and 05.09.2024 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 Section 278 of Succession Act, 1925, praying for Letters of Administration in respect of the estate of late Shahnaz ("Deceased"), who passed away intestate at Karachi on 25.11.2021. Per the Report, the Deceased is survived by the legal heirs mentioned in the Reports, death certificate and family registration certificate is recorded as having been examined by the Deputy Registrar.

The estate of the deceased comprises of 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. The Report also catalogues that publication in respect hereof was undertaken in daily Jang, Karachi on 03.07.2024 and that no objection of any sort whatsoever has been received in this regard.

The legal heirs No.4 has also executed General Power of Attorney in favour of the legal heir No.3, 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 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