

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
High Court Appeal No.84 of 2025

Date	Order with signature of Judge
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FRESH CASE:

- 1. For order on CMA No.640/2025 (Urgent).
- 2. For order on office objection a/w reply as at 'A'.
- 3. For order on CMA No.641/2025 (Exemption).
- 4. For hearing of Main Case.

Dated; 18th April 2025

Mr. Raj Ali Wahid Kunwar, Advocate for Appellant.

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- 1. Urgency granted.
- 2. Deferred.
- 3. Exemption granted subject to all just exceptions.
- 4. Through this High Court Appeal, though the Appellants have impugned Letter of Administration and Succession Certificate issued by the office of this Court on 13.03.2025; however, in essence it is an order dated 27.01.2025 passed on CMA No.103 of 2025 in SMA No.29 of 2024 passed by a learned Single Judge of this Court, which has impliedly been impugned.

Learned counsel for the Appellant has been confronted as to how Letter of Administration and Succession Certificate can be impugned and why not the appeal may be dismissed with costs, and in response he submits that it is a case of hardship inasmuch as the matter stands disposed of and the jurisdiction conferred upon this Court now stands transferred to the District Courts through Civil Courts (Amendment) Act, 2025, whereas, it is the mistake of the office which has issued the same instead of a letter of probate.

We have perused the record and it appears that his contention merits consideration. Record reflects that the Appellants filed a Petition under Section 276 of the Succession Act, 1925 for ***grant of probate*** in respect of a Will Deed dated 21.01.2019 executed by the deceased in question, which was allowed vide order dated 13.08.2024 by a learned Single Judge of this Court. Thereafter, the Appellants approached the learned Single Judge with a request to permit deposit of original title documents of the immovable properties as surety and on such application, another learned Single Judge has passed order dated 27.01.2025, whereby, the property documents were accepted as surety; however, apparently due to some misunderstanding office was directed to issue Letter of Administration and Succession Certificate. Subsequently, the office without realizing that the petition itself was for letter of probate, and perhaps due to inadvertence, prepared Letter of Administration and Succession Certificate, which was placed before the learned Single Judge who had granted such Petition, and both were duly issued. The Appellants have now approached this Court through this Appeal on the ground that instead of Letter of Administration and Succession Certificate a Letter of Probate was supposed to be issued as provided under Section 276 of the Succession Act, 1925.

In view of the above facts and circumstances and by exercising our inherent as well as powers under Section 151 and 152 CPC, and to avoid further hardship to the family members of the deceased, by treating this appeal as an appeal against order dated 27.01.2025 and by condoning the delay in filing such appeal, the same is allowed to the extent that the order passed on 27.01.2025 shall be read as an order for issuance of Letter of Probate in terms of Section 276 of

the Succession Act, 1925. Office is directed to immediately act accordingly for issuance of Letter of Probate.

With these observations, this High Court Appeal stands disposed of.

ACTING CHIEF JUSTICE

JUDGE

Farhan/PS