

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 000 of 2020

Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 1234567890-7

R/O Flat No. 678, Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi .....Petitioner

Mr. XXXX

S/O (Late) Sultan Ahmed.....Deceased

**PETITION UNDER SECTION 278 OF THE SUCCESSION ACT  
1925 FOR THE GRANT OF LETTER OF ADMINISTRATION**

The Petitioner above named respectfully submits as under:

1. That the Petitioner is the real son of (Late) XXXX who expired on 19-05-2010 at Liaquat National Hospital, Karachi.

(Original Death Certificate, Photocopy of the CNIC of deceased and newspaper cutting for obituary of the Deceased dated 22-05-2010 is attached herewith as Annexure A - \_\_\_\_)

2. That at time of his death the deceased was residing at Flat No. 000, 10<sup>th</sup> Floor, Harmain Tower, Johar Moar, Gulistan-e- Jauhar, Karachi within the jurisdiction of this Honourable Court.

3. That the Deceased was the employee in the Revenue Department, Hyderabad. The publication of the Deceased's obituary was made in daily "KAWISH" newspaper Hyderabad dated: 17-6-2010.

(The service card of Deceased and Newspaper cuttings dated 17-06-2019 is attached herewith as B - B\_\_\_\_)

4. That the said deceased (Late) XXXX S/O Sultan Ahmed left behind the following property as detailed hereunder:

Plot No. 15, Humayun Street, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout.

(The Copy of request for issuance of the intimation and allotment letter dated 25-02-2019 by D.HA, Copy of Transfer Application and affidavits by the legal Heirs dated 5<sup>th</sup> July 2019 are attached herewith as Annexure C - C\_\_\_\_)

5. That the present market value of the aforesaid immovable property is approximately Rs. 3, 2500, 000/- approximately (Rupees three caror twenty five lac approximately).
6. That the deceased expired intestate and in spite of diligent search has been made for a will oral or in writing but none has been found.
7. The deceased was survived by his widow, four daughters and four sons as his next of kin by relationship and the following would be categorized as Legal Heirs of the deceased, according to Sunni (Fiqah Hanafia) Muslim Law, by which they are governed:

Sr. No.	Name	Relationship	Address	CNIC No.
1.	ABCD W/O XXXX	Widow	Flat No. 402, Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	
2.	ABCD	Daughter	Flat No.15 - 3, Abdullah Centre, Block-K, Qasimabad Hyderabad	
3.	ABCD	Daughter	Flat No. 218, H.D.E Flats, Naseem Nagar Block-E, Qasimabad, Hyderabad	
4.	ABCD	Daughter	House No. B - 10, Baldia Colony, Hyderabad	
5.	ABCD	Daughter	Flat No. 06, Ayesha Manzil, Heerabad, Hyderabad	
6.	ABCD	Son	Flat No. 402, Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	
7.	ABCD	Son	Flat No. 402, Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	
8.	ABCD	Son	Flat No. 402, Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	
9.	IABCD	Son	Flat No. 402, Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	

(Copies of Family Registration Certificate issued by  
NADRA, Copies of CNIC of Legal Heirs, Heirship  
Certificate, & Receipt for new DHA Membership Card  
of the Petitioner are attached as Annexure D-D

\_\_\_\_\_)

8. That there are no other legal heirs of the deceased other than the person mentioned above.
  
9. That the all Legal Heirs of XXXX (deceased) S/O late. Sultan Ahmed, have full faith and confidence in the Petitioner who is real son of the Deceased and his widow Mst. Hanifa Jatoi and real brother of all other legal heirs and as such have also executed a Special Power of Attorney in his favour with respect to the present matter.

(Original special Power of Attorney attached is attached herewith as Annexure "E")

10. That no Application or Petition has been filed in any Court of law prior to this Petition for the grant of Letter of Administration in respect of the above said immovable property left behind by the Deceased.
  
11. That there is no impediment under Section 279 and/or any provision of the Succession Act 1925 and/or of any other enactment for the grant of Letter of Administration in respect of the aforesaid immovable property left behind by the deceased.
  
12. That the Petitioner has truly disclosed the status of properties/assets of the deceased in this S.M.A., and if inadvertently any is left out and traced later on the Petitioner reserves his right to include the same and place the same on record informing this Hon'ble Court.
  
13. That the other Legal heirs who are major, have no objection for the grant of LETTER OF ADMINISTRATION in the name of Petitioner and to this effect they have also sworn their respective

Affidavits of NO OBJECTION for the purpose of this Petition.

14. The Affidavits of two independent witnesses who know the family and next of kins of the deceased since the years are also appended herewith this Petition.

15. That the Petitioner is the real son of the deceased and as such he is entitled to the grant of Letter of Administration for the left behind property.

16. The proper court fees prescribed under the law has been affixed on the application.

#### **PRAYER**

In light of the submissions made hereinabove, it is humbly prayed on behalf of the Petitioner that without requiring him to furnish security, this Hon'ble Court may be pleased to:-

- (i) That this Hon'ble Court may be pleased to grant the Letter of Administration to the Petitioner in respect of immoveable property mentioned hereinabove and in the schedule of the property attached herewith.
- (ii) That the Hon'ble Court may be pleased to appoint Nazir of this Hon'ble Court or any other officer in the circumstances, this Hon'ble Court deems fit and proper, for the inquiry and to know the facts of the said property.
- (iii) Any other relief(s) that this Hon'ble Court may deem fit and proper to meet the ends of justice.

Karachi;

Dated:14-11-2019

Petitioner

Advocate for the Petitioner

#### VERIFICATION

I, ABCD S/O XXXX, Muslim, Adult, Holding CNIC No. 000000000-7, R/O Flat No. 802, XXXX Apartments, Opposite Dolmen Mall Clifton, Block-04, Karachi the above named Petitioner, do hereby state, declare, affirm and verify on oath that whatever has been stated herein above is true and correct to the best of my knowledge and belief.

Karachi;

Dated:14-11-2019

DEPONENT/PETITIONER

The deponents are identified by me.

ADVOCATE

The Deponent above named appeared before me on this 14<sup>th</sup> Day of November 2019, at Karachi, who stated on oath the contents of the S.M.A. are true and correct to the best of their knowledge and belief hence I attest this affidavit.

COMMISSIONER FOR TAKING AFFIDAVITS

Documents Filed:

Annexure ' A ' to ' E

Documents relied Upon: All the above annexures &  
All Relevant Documents.

Address of the Petitioner: As mentioned above

Address of Applicant/Petitioner's Counsel:

10/2, Khyaban-e-Khusro, Phase-VI,

D.H.A, Karachi.

Drawn & drafted by me.

Advocate.

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. 000 of 2020

Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi

.....Petitioner

Mr. XXXX

S/O (Late) Sultan

Ahmed.....Deceased

**SCHEDULE OF PROPERTY**

Plot No. 000, Sada Street, Phase-VII, Ext.  
Pakistan Defence Officers Housing Authority,  
Karachi. Measuring 500 sq. yds. Or  
thereabout.

(The Copy of request for issuance of the intimation and  
allotment letter dated 25-02-2019 by D.H.A, Copy of  
Transfer Application and affidavits by the legal Heirs dated  
5<sup>th</sup> July 2019 are attached herewith as Annexure B -  
B\_\_\_\_\_)

Karachi.

Dated: 14-11-2019

Petitioner

Advocate for Petitioner



IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. of 2019

Mr. ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 00000000-7

R/O Flat No. 802, XXXXX Apartments,

Opposite Dolmen Mall Clifton,

Block-04,

Karachi

.....Petitioner

Mr. XXXX

S/O

(Late)

Sultan

Ahmed.....Deceased

AFFIDAVIT OF VALUATION.

I, ABCD S/O XXXX, Muslim, Adult, Holding CNIC No. 00000000-7, R/O Flat No. 802, XXXXX Apartments, Opposite Dolmen Mall Clifton, Block-04, Karachi the Petitioner, do hereby state, declare, affirm and verify on oath as under:

1. That I say that, I am the Petitioner in the above S.M.A. and the real son of the Deceased (Late) XXXX, as such well conversant with the facts of the case.
2. That I say that, my Deceased father (late) XXXXX is the lawful owner of Plot No. 00, Sada Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout as mentioned in the Schedule of Property.

3. That I say that, (Late) Mr. XXXX was a member of Pakistan Defence Officers Housing Authority, Karachi, vide membership number DHA/J/BS-533, and he was transferred a Plot No. Plot No. 00, sada Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout situated in Pakistan Defence Officers Housing Authority, Karachi.
4. That I say that, (Late) Mr. XXXX died who expired on 19-05-2010 at Liaquat National Hospital, Karachi.
5. That I say that, (Late) Mr. XXXX was a Sunni muslim and being governed by the same law, the deceased was survived by his widow, four daughters and four sons as his next of kin by relationship.
6. That I say that, I am the real son of Deceased (late) Mr. XXXX, one of his legal heirs and I am duly appointed and legally and lawfully executed Attorney of all other legal heirs of the Deceased and as such they have no objection if the petition for letter of administration filed by me is granted as prayed. (Original Special Power of Attorneys are filed as Annexure "D" with the memo of the petition)
7. That I say that, I have no objection to the transfer of the demised property in the names of the legal heirs as per share according to the Sunni Muslim law
8. That I say that, I have truly described the particulars and the value of the Plot No. 15, Humayun Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi.

Measuring 500 sq. yds. Or thereabout situated in Pakistan Defence Officers Housing Authority Karachi as being Rs.325,00,000/- approximately (Rupees three caror and twenty five lac only) and nothing has been suppressed from this Hon'ble Court. The information supplied may be accepted.

9. That I say that whatever has been stated herein above is true and correct to the best of my knowledge and belief.

Karachi;

Dated: 14-11-2019

DEPONENT

The deponent is identified by me.

ADVOCATE

The deponent above named appeared before me on this 14<sup>th</sup> day of November 2019, at Karachi, who stated on oath the contents of the S.M.A. are true and correct to the best of her knowledge and belief hence I attest this affidavit.

COMMISSIONER FOR TAKING AFFIDAVITS

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

S.M.A. No. of 2019

Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi

.....Petitioner

Mr. XXXX

S/O (Late) Sultan

Ahmed.....Deceased

**SCHEDULE - "B".**

1. The father of the Petitioner Deceased (late) Mr. XXXX died on 19-05-2010 at Liaquat National Hospital Karachi, and had left behind the below mentioned property:

(i) Plot No. 15, Humayun Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout situated in Pakistan Defence Officers Housing Authority Karachi

2. That against the above mentioned property there is neither loan nor liabilities that are payable.

Karachi.

Dated: 14-11-2019

Petitioner

Advocate for Petitioner

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

S.M.A. No.                      of 2019

Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 802, 0000 Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi

.....Petitioner

Mr. XXXX

S/O (Late) Sultan

Ahmed.....Deceased

AFFIDAVIT IN SUPPORT OF SCHEDULE - "B".

I,ABCD S/O XXXX, Muslim, Adult, Holding CNIC No. 413031290864-7, R/O Flat No. 802, 0000 Apartments, Opposite Dolmen Mall Clifton, Block-04, Karachi the Petitioner, do hereby state, declare, affirm and verify on oath as under:

1. That I say that, I am the Petitioner in the above S.M.A. and the real son of the Deceased (Late) XXXX, as such well conversant with the facts of the case.
2. That I say that, my Deceased father (late) Amanulla Jatoi is the lawful owner of Plot No. 15, Humayun Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout as mentioned in the Schedule of Property.

3. That I say that, (Late) Mr. XXXX was a member of Pakistan Defence Officers Housing Authority, Karachi, vide membership number DHA/J/BS-533, and he was transferred a Plot No. Plot No. 15, Humayun Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout situated in Pakistan Defence Officers Housing Authority, Karachi.
4. That I say that, (Late) Mr. XXXX expired on 19-05-2010 at Liaquat National Hospital, Karachi.
5. That I say that, (Late) Mr. XXXX was a Sunni Muslim and being governed by the same law, the deceased was survived by his widow, four daughters and four sons as his next of kin by relationship.
6. That I say that, I am the real son of Deceased (late) Mr. XXXX, one of his legal heirs and I am duly appointed and legally and lawfully executed Attorney of all other legal heirs of the Deceased and as such they have no objection if the petition for letter of administration filed by me is granted as prayed. (Original Special Power of Attorneys are filed as Annexure "D" with the memo of the petition)
7. That I say that, I have no objection to the transfer of the demised property in the names of the legal heirs as per share according to the Sunni Muslim law
8. That I say that the said property has no loan and/or no liabilities are payable nor the said property is involved in any litigation.

9. That I say that whatever has been stated herein above is true and correct to the best of my knowledge and belief.

Karachi.

Dated: 14-11-2019

DEPONENT

The deponent is identified by me.

ADVOCATE

The deponent above named appeared before me on this 14<sup>th</sup> day of November 2019, at Karachi, who stated on oath the contents of the S.M.A. are true and correct to the best of her knowledge and belief hence I attest this affidavit.

COMMISSIONER FOR TAKING AFFIDAVITS

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

SMA. No. \_\_\_\_\_/2019

Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi

.....Petitioner

Mr. XXXX

S/O (Late) Sultan

Ahmed.....Deceased

**AFFIDAVIT OF WITNESS**

I, Abdul Karim Memon S/O Mumtaz Ali Memon, Muslim, adult, holding CNIC No. 00000000000-1 R/O House No. B-32, Baldia Colony Hyderabad, , do hereby on oath at Kaarachi, declare, state and affirm as under:-

1. That I say that I am the Deponent of this Affidavit and family friend of the Petitioner and as such well conversant with the facts of the case.
2. That I say that, Deceased Mr. Amanulla Jatoi is the lawful owner of Plot No. 15, Humayun Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout as mentioned in the Schedule of Property.
3. That I say that, (Late) Mr. XXXX was a member of Pakistan Defence Officers Housing Authority,



Karachi, vide membership number DHA/J/BS-533, and he was transferred a Plot No. Plot No. 15, Humayun Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout situated in Pakistan Defence Officers Housing Authority, Karachi.

4. That I say that, (Late) Mr. XXXX expired on 19-05-2010 at Liaquat National Hospital, Karachi.
  
5. That I say that, (Late) Mr. XXXX was a Sunni Muslim and being governed by the same law, the deceased was survived by his widow, four daughters and four sons as his next of kin by relationship.
  
6. That I say that, except the legal heirs mentioned in the List of Legal Heirs attached with the petition, there are no other legal heirs of the deceased as per the Sunni Law of inheritance (Fiqah Hanafia).
  
7. That I say that whatever has been stated herein above is true and correct to the best of my knowledge and belief.

Karachi;

Dated: 14-11-2019

DEPONENT

The deponent is identified by me.

ADVOCATE

The deponent above named appeared before me on this 14<sup>th</sup> day of November 2019, at Karachi, who stated on oath the contents of the S.M.A. are true and correct to

the best of her knowledge and belief hence I attest this affidavit.

COMMISSIONER FOR TAKING AFFIDAVITS

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

SMA. No. \_\_\_\_\_/2019

Mr. ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi

.....Petitioner

Mr. XXXX

S/O (Late) Sultan

Ahmed.....Deceased

**AFFIDAVIT OF WITNESS**

I, Abdul Saeed Lashari S/O Abdul Qadir Lashari, Muslim, adult, holding CNIC No. 41204-7593950-3 R/O Flat No. 218, H.D.E Flats, Naseem Nagar Block-E, Qasimabad, Hyderabad do hereby on oath at Karachi, declare, state and affirm as under:-

1. That I say that I am the Deponent of this Affidavit and brother in law of the Petitioner and as such well conversant with the facts of the case.
2. That I say that, Deceased Mr. Amanulla Jatoi is the lawful owner of Plot No. 15, Humayun Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi, Measuring 500 sq. yds. Or thereabout as mentioned in the Schedule of Property.

3. That I say that, (Late) Mr. XXXX was a member of Pakistan Defence Officers Housing Authority, Karachi, vide membership number DHA/J/BS-533, and he was transferred a Plot No. Plot No. 15, Humayun Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout situated in Pakistan Defence Officers Housing Authority, Karachi.
4. That I say that, (Late) Mr. XXXX expired on 19-05-2010 at Liaquat National Hospital, Karachi.
5. That I say that, (Late) Mr. XXXX was a Sunni Muslim and being governed by the same law, the deceased was survived by his widow, four daughters and four sons as his next of kin by relationship.
6. That I say that, except the legal heirs mentioned in the List of Legal Heirs attached with the petition, there are no other legal heirs of the deceased as per the Sunni Law of inheritance (Fiqah Hanafia).
7. That I say that whatever has been stated herein above is true and correct to the best of my knowledge and belief.

Karachi;

Dated: 14-11-2019

DEPONENT

The deponent is identified by me.

ADVOCATE

The deponent above named appeared before me on this 14<sup>th</sup> day of November 2019, at Karachi, who stated on oath the contents of the S.M.A. are true and correct to the best of her knowledge and belief hence I attest this affidavit.

COMMISSIONER FOR TAKING AFFIDAVITS

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

SMA. No. \_\_\_\_\_/2019

Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi .....Petitioner

Mr. XXXX

S/O (Late) Sultan Ahmed.....Deceased

LIST OF LEGAL HEIRS

Sr. No.	Name	Relationship	Address	CNIC No.
1.	Hanifa Aman Jatoi W/O XXXX	Widow	Flat No. 402, Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	41303-3734678-6
2.	Ayesha Javed Jatoi	Daughter	Flat No.15 - 3, Abdullah Centre, Block-K, Qasimabad Hyderabad	43203-0116535-2
3.	Asiya	Daughter	Flat No. 218, H.D.E Flats, Naseem Nagar Block-E, Qasimabad, Hyderabad	41303-3735723-6
4.	Asifa Nizam	Daughter	House No. B - 10, Baldia Colony, Hyderabad	41303-3830723-6
5.	Shazia Sajjad	Daughter	Flat No. 06, Ayesha Manzil, Heerabad, Hyderabad	41303-7260310-8
6.	Inamullah Jatoi	Son	Flat No. 402,	41303-2106680-3

			Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	
7.	Ehsanullah Jatoi	Son	Flat No. 402, Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	41303-1290864
8.	Ikramullah Jatoi	Son	Flat No. 402, Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	41303-6126223-3
9.	Irfanullah Jatoi	Son	Flat No. 402, Samrina Apts, Opp. Dolmen Mall Clifton, Block-4, Karachi	41303-2455260-3

Karachi;

Dated: 14-11-2019

PETITIONER

Advocate for Petitioner

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

SMA. No. \_\_\_\_\_/2019

Mr. ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi .....Petitioner

Mr. XXXX

S/O (Late) Sultan Ahmed.....Deceased

**Application under Rule 110 of SCC Rules**

For the reasons and facts disclosed in accompanying affidavit, it is most respectfully prayed on behalf of the Petitioners above named that this Hon'ble Court may be pleased to treat the above matter as urgent and hear the same on November \_\_\_\_\_ 2019, in the Court.

This application is made in the interest of Justice.

Karachi;

Dated: 14-11-2019

Advocate for Petitioner

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

SMA. No. \_\_\_\_\_/2019



Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi .....Petitioner

Mr. XXXX

S/O (Late) Sultan Ahmed.....Deceased

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER RULE 110 OF SCC RULES**

I, ABCD S/O XXXX, Muslim, Adult, Holding CNIC No. 413031290864-7, R/O Flat No. 402, Samrina Apartments, Opposite Dolmen Mall Clifton, Block-04, Karachi the Petitioner, do hereby state, declare, affirm and verify on oath as under:

1. That I say that, I am the Deponent of this Affidavit, Petitioner in the above S.M.A. and the real son of the Deceased (Late) XXXX and executed Attorney of all legal heirs of the Deceased as such well conversant with the facts of the case.
2. That the accompanying application under Rule 110 of High Court Rules has been drafted under the instruction of the Petitioners and whatever is stated therein is true to the best of my knowledge and belief and same is taken as part of this affidavit.
3. That at the time of his death, the deceased left the surviving persons mentioned in the Petition as his next-of-kin by relationship. The Petitioner is the real son of the Deceased and Attorney of all legal heirs of the deceased. The Deceased is the real owner of the property mentioned above. Therefore, this Hon'ble Court may be pleased to grant the Letter of Administration in favour of Petitioner in respect of immovable property mentioned hereinabove and in the schedule of the property attached herewith and the Hon'ble Court may pleased to take

up accompanying application as prayed, as the matter already delayed since long.

4. In view of above what is stated above it will be just and proper as well as in the best interest of justice, if this Hon'ble Court allows the accompanying application as proposed otherwise the Petitioner will be seriously prejudiced.
5. That whatever is stated above in Paras-1 to 5 is true to the best of my knowledge and belief.

Karachi;

Dated: 14-11-2019

**DEPONENT**

**IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI**

**SMA. No. \_\_\_\_\_/2019**

Mr. ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi .....Petitioner

Mr. XXXX

S/O (Late) Sultan Ahmed.....Deceased

**APPLICATION UNDER SECTION 151 CPC**

For the reasons and grounds mentioned in the accompanying Affidavit it is prayed on behalf of the Petitioner that the Hon'ble Court may be pleased to appoint Nazir of this Hon'ble Court or any other officer in the circumstances, this Hon'ble Court deems fit and proper, with all powers for the inquiry of the immovable property. The rights of the Petitioner and other legal heirs are at stake unless this application is allowed and the Nazir of this Hon'ble is appointed to inquire about the said property.

This application is made in the interest of justice.

Karachi;

Dated: 14-11--2019

Advocate for the Plaintiff

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

SMA. No. \_\_\_\_\_/2019

Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi .....Petitioner

Mr. XXXX

S/O (Late) Sultan Ahmed.....Deceased

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER SECTION 151 CPC**

I, ABCD S/O XXXX, Muslim, Adult, Holding CNIC No. 413031290864-7, R/O Flat No. 402, Samrina Apartments, Opposite Dolmen Mall Clifton, Block-04, Karachi the Petitioner, do hereby state, declare, affirm and verify on oath as under:

1. That I say that, I am the Deponent of this Affidavit, Petitioner in the above S.M.A. and the real son of the Deceased (Late) XXXX and executed Attorney of all legal heirs of the Deceased as such well conversant with the facts of the case.
2. I say that the accompanying Application U/O XL Rule (1) CPC 1908, has been drafted and filed under my express instructions, for the sake of brevity the contents thereof be treated as a part and parcel of this Affidavit.
3. That I say that, (Late) Mr. XXXX died on 19-05-2010 at Liaquat National Hospital, Karachi.
4. That I say that, my Deceased father (late) XXXX is the lawful owner of Plot No. 15, Humayun Street-2, Phase-VII, Ext. Pakistan Defence Officers Housing Authority, Karachi. Measuring 500 sq. yds. Or thereabout,

situated in Pakistan Defence Officers Housing Authority, Karachi, as mentioned in the Schedule of Property.

5. I say that it would be in the interest of justice that this Hon'ble Court may appoint the Nazir or other officer of the court, the Hon'ble Court may deems fit and proper to inquire abou the said property.
6. I say that unless this Application is not allowed by this Hon'ble Court I shall be seriously prejudiced.
7. I say that whatever stated above is true and correct to the best of my knowledge and belief.

Karachi;

Dated: 14-11-2019

Deponent

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

SMA. No. \_\_\_\_\_/2019

Mr. ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi .....Petitioner

Mr. XXXX

S/O (Late) Sultan Ahmed.....Deceased

**APPLICATION UNDER SECTION 151 CPC**

It is prayed on behalf of the Petitioner that this Hon'ble Court, on the facts and grounds disclosed in the accompanying affidavit, be pleased to exempt Petitioners from filing certified/original Annexure 'A to D'.

However, Photostat copies of said Annexures are filed as the original are not available with the Petitioners and the same will be filed as and when ordered by this Hon'ble Court.

This application is made in the interest of justice.

Karachi;

Dated: 14-11--2019

Advocate for the Plaintiff

IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI

SMA. No. \_\_\_\_\_/2019

Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,

Opposite Dolmen Mall Clifton,

Block-04, Karachi .....Petitioner

Mr. XXXX

S/O (Late) Sultan Ahmed.....Deceased

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER SECTION 151 CPC**

I, ABCD S/O XXXX, Muslim, Adult, Holding CNIC No. 413031290864-7, R/O Flat No. 402, Samrina Apartments, Opposite Dolmen Mall Clifton, Block-04, Karachi the Petitioner, do hereby state, declare, affirm and verify on oath as under:

1. That I say that, I am the Deponent of this Affidavit, Petitioner in the above S.M.A. and the real son of the Deceased (Late) XXXX and executed Attorney of all legal heirs of the Deceased as such well conversant with the facts of the case.
2. I say that the accompanying Application under section 151 CPC for exemption of filing the Annexures has been drafted under the Petitioners instructions and is being made on Petitioners behalf for the sake of brevity.
3. I say that I have filed true Photostat copies of the Annexures 'A' to 'D' as at present originals are not available with me and the original of the same will be filed as and when ordered by this Hon'ble Court.
4. In view of above what is stated above it will be just and proper as well as in the best interest of justice, if this Hon'ble Court allows the accompanying application, otherwise the petitioners will be seriously prejudice.

5. That whatever is stated above in Paras 1 to 5 is true to the best of my knowledge and belief.

Karachi;

Dated: 14-11--2019

Deponent

**IN THE HON'BLE HIGH COURT OF SINDH AT KARACHI**

**SMA. No. \_\_\_\_\_/2019**

Mr.ABCD

S/O XXXX

Muslim, Adult, Holding CNIC No. 413031290864-7

R/O Flat No. 402, Samrina Apartments,



Opposite Dolmen Mall Clifton,

Block-04, Karachi .....Petitioner

Mr. XXXX

S/O (Late) Sultan Ahmed.....Deceased

#### INDEX

Sr. No.	DOCUMENT	Annexure	Page No.
1	Memo of Petition		1 - 15
2	Original Death Certificate, Photocopy of the CNIC of deceased and newspaper, Family Registration Certificate issued by NADRA, cutting for obituary of the Deceased dated 22-05-2010 is	A	17 - 31
	Schedule Of Property and Affidavit Of Valuation		33 - 41
	Schedule B & Affidavit In Support Of Schedule-B		43 - 51
4	The Copy of request for issuance of the intimation and allotment letter dated 25-02-2019 by D.HA, Copy of Transfer Application and affidavits by the legal Heirs dated 5 <sup>th</sup> July 2019 are	C	53 - 83
5	Copies of CNIC of Legal Heirs, Heirship Certificate, & Receipt for new DHA Membership Card of the Petitioner are	D	85 - 109
6	Original special Power of Attorney attached is	E	111 - 115
10	Affidavit Of No Objection Of Legal Heirs Of The Deceased		117 - 179
11	Affidavit Of Witnesses		179 - 193
12	List Of Legal Heirs		195 - 197
13	Application Under Rule 110 Of SCC Rules And Affidavit		199 - 205
14	Application Under Section 151 Cpc And Affidavit For Appointment Of Nazir		207 - 213
15	Application Under Section 151 Cpc And Affidavit		215 - 221
16	Vakalatnama		223

Karachi;

Dated: 14-11-2019

Advocate for Petitioner

