

IN THE HIGH COURT OF SINDH AT KARACHI

S. M. A. No. 144 of 2016
[Meer Hussain Buksh Talpur (Petitioner)]

Date of hearing : 10.10.2019.

Date of Decision : 06.01.2020.

Petitioner : Meer Hussain Buksh Talpur, through Mr. S. Tariq Arif Ali Shah, Advocate.

ORDER

Muhammad Faisal Kamal Alam, J: - This proceeding is filed in respect of a Sole Immoveable Property – House No. 26/B, measuring 1075 Square Yards, 1st Central Lane, Phase-II, DHA, Karachi, which is jointly owned by Mir Shah Murad and Mir Muhammad Murad. Both these brothers have passed away on 03.01.1998 and 05.12.1999 and their Death Certificates are available at page-15 and 17 of the Court's file.

To a specific query raised in the order dated 16.10.2018, it is stated by the learned counsel for the Petitioner that since matter pertains to the sole immoveable property, jointly owned by the above named deceased, therefore, this single proceeding has been filed and not two separate S.M.As.

There are three sets of legal heirs, viz. first set of legal heirs are of Mir Shah Murad, who is succeeded by a widow – Bibi Allah Nawazi and a son Muhammad Iqbal Khan, *whereas*, the second set of legal heirs is first

widow and her children of Mir Muhammad Murad and finally the third set of legal heirs are the second widow and her children from the above named Deceased. All legal heirs are mentioned in paragraph-3 of the petition. It is mentioned in paragraph-8 of the petition that some of the legal heirs have been made as objectors, because they were not cooperating with the petitioner and the other set of legal heirs.

Upon issuance of notices and while other compliances were made as mentioned in the Report dated 04.10.2018 of learned Deputy Registrar (O.S), the three Objectors also filed their separate Affidavits of No Objection, which are in the record. The supporting Affidavits of other legal heirs are already in record starting from pages-56 to 89. Family Registration Certificates (**FRCs**) issued by National Database and Registration Authority (**NADRA**) are also part of the Court record and perusal whereof shows that the legal heirs mentioned in FRCs are all mentioned in the petition as well.

Copy of the registered Conveyance Deed in respect of sole property is at page-43, which shows that the same has been purchased by both brothers jointly. Since legal heirs of Mir Shah Murad have given their no objection for the grant of this petition, therefore, the observation made in the earlier order of 16.10.2018 stands addressed.

On 18.10.2016, all legal heirs appeared before the Court so also one of the two witnesses, namely, Juma Khan and further appearance of the parties was dispensed with. On 16.02.2017, the other witness Hussain son of Haji Usman, was present in support of his affidavit.

Despite publication in the newspaper daily 'Jang' in its issue of 07.06.2016, no objection has been received till date by any individual.

The instant petition till date has remained non-contentious, requisite formalities have also been complied with and in view of the above, this petition is accordingly granted, but strictly in accordance with Succession Act, 1925 and Rules.

Judge

Karachi,
Dated: 06.01.2020.

Riaz / P.S.