

Mubarik Khan and Others vs Public at Large
Letter of Administration Petition No. 178/2 of 2022

Order -- 05
29.11.2022

Learned counsel for the petitioners present.

Arguments heard today. Record perused.

The instant petition has been filed under Part IX of Succession Act, 1925, for grant of letter of administration in respect of vehicle / property in Italy, left by Amir Shehzad Khan.

Publication was made against respondent/public at large but no one amongst the public at large appeared to resist the averments put forth by the petitioners as a consequence whereof respondent / public at large was placed ex-parte. Ex-parte evidence of the petitioners was recorded and closed.

From the ex-parte evidence recorded and probe made through bailiff in respect of verification of legal heirs of the deceased, this Court is satisfied that the petitioners are prima facie the legal heirs of the deceased, who died on 11.05.2022. Copy of his death certificate is exhibited as Ex.PW-1/1. However, if the father of the deceased is alive, then the other relatives of the deceased except mother, wife and children, cannot be held entitled for any share in the legacy of the deceased and the same situation exist in the instant petition. Therefore, the rights of the deceased over his abovementioned vehicle/property in Italy are transferable in favour of the petitioner No-01 namely Mubarik Khan.


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Senior Civil Judge (Judicial)
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Consequently, the application in hand stands accepted only to the extent of the petitioner No-01 and he is granted letter of administration in respect of the vehicle / property in Italy (mentioned in the petition), of the deceased subject to furnishing surety bonds in the sum of Rs.500,000/- (Five Hundred Thousand Rupees) with two local and reliable sureties, each in the like amount to the satisfaction of this Court.

File be consigned to Record Room, after its compilation & completion.

Announced
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