

**IN THE HIGH COURT OF SINDH CIRCUIT COURT AT
HYDERABAD**

Ind Appeal No.S-38 of 2024

Appellant: Dr. Ghulam Fatima w/o Pir Illahi Bux Qurshi,
through Mr. Muhammad Asif Shaikh,
Advocate.

Respondents: 1) Dr. Ahmed Bux son of Qadir Bux,
2) Ghulam Sarwar son of Muhammad Khan
through Barrister Jawad Qureshi, Advocate.

For Official Respondents: Mr. Muhammad Yousif Rahpoto, A.A.G.

Date of hearing: 25-09-2025

Date of Judgment: 25-09-2025

ORDER

Jan Ali Junejo, J. --- Through this second appeal, the appellant has assailed the judgment dated 15.01.2024 and decree dated 18.01.2024 passed by the learned Additional District Judge-I Kotri in Civil Appeal No.57 of 2023 whereby the learned trial Court dismissed the said appeal; hence, this appeal.

2. During pendency of the instant appeal, the parties namely Appellant Ghulam Fatima wife of Peer Illahi Bux and respondents Dr. Ahmed Bux son of Qadir Bux and Ghulam Sarwar son of Muhammad Khan have moved a joint application under Order XXIII Rule 3 CPC, supported by their affidavits, stating therein that the matter has been amicably settled between them outside the Court due to intervention of the nek mards on the following terms and conditions.

“That the appellant and respondents No.1 and 2 have amicably settled to transfer the suit property viz. Double Storey House on Plots no 10 and 15 each plot measuring 2000 sq ft (total 4000 sq ft) situated at Talti Road Bhan Syedabad Taluka Sehwan District Jamshoro in favour of the appellant Dr.Ghulam Fatima through registered sale deed before the Sub-Registrar Sehwan against the settled sale consideration of Rs.1,1500,000/=(One Crore and Fifteen Lac Rupees) which respondent No.1 Dr. Ahmed Bux has

acknowledged/received and respondent No.2 shall execute the register sale deed in favour of Appellant Dr. Ghulam Fatima.

2. That the appellant shall pay an amount of Rs.1,15,00,000/= (Rupees One Crore Fifteen Lac) as full settled sale consideration to the respondent No.1 in the following break:-

(1) Rs.50,00,000/=(Fifty Lac Rupees) has already paid to respondent No.1 through five online payments each of Ten Lac Rupees made on 13.09.2025, and copies of the online receipts evidencing the said payments are annexed herewith.

(2) Rs.65,00,000/= (Sixty Five Lac Rupees) shall be paid to respondent No.1 in cash of remaining sale consideration immediately before signature at the time of presentation of compromise application before this Honourable Court.

3. That respondent No.1 shall withdraw Execution No. 5 of 2023 arising from F.C. Suit No. 44 of 2015 pending adjudication before the Court of Senior Civil Judge, Sehwan.

4. That the appellant and respondents No.1 and 2 shall henceforth withdraw all cases and litigation pending against each other in any court of law in respect of the suit property, and no further claim shall be available to any of the parties regarding the same.

5. That pursuant to the compromise, each party shall not set forth any claim whatsoever against other party.

6. That both the parties have arrived compromise in their full senses, without any force, threat or compulsion from either side.

7. That parties will bear own costs.

8. That a memorandum of compromise duly signed by both the parties and their respective counsel.”

3. Today, the learned counsel for the parties are present along with the parties themselves, who have been identified by their counsel. On Court's query, the parties have categorically acknowledged that they have entered into the compromise voluntarily, without any pressure, coercion or undue influence, and that they are satisfied with the terms and conditions mentioned in the application.

4. I have carefully examined the contents of the compromise application as well as the verification made thereon. The compromise appears to be lawful, voluntary and not opposed to public policy. Since the parties have resolved their

dispute amicably, no useful purpose would be served in keeping the present appeal pending.

5. Consequently, the application under Order XXIII Rule 3 CPC is allowed. The compromise is taken on record. The appeal, along with all pending applications, stands disposed of in terms of the compromise.

JUDGE

Ahmed/Pa,