

IN THE HIGH COURT OF SINDH KARACHI

CONST. PETITION NO. S-961 2025
(Osama vs. Syed Zulfiqar Ali & Ors.)

Date	Order with signature(s) of Judge(s)
Hg:/Priority.	

- 1. For hearing of Misc. No.28503 /24
- 2. For hearing of main case.

05.08.2026.
Mr. Liaqut Ali Awan, Advocate for the Petitioner.
Mr. Tahir Mehmood, Advocate for Respondent.

ORDER

Nisar Ahmed Bhanbhro, J. This petition is directed against the order dated 04.11.2024 passed by the learned VIth Additional District Judge (Central), Karachi, in Civil Appeal No.294 of 2024 (Re: *Syed Zulfiqar Ali & Others v. Arif Ullah Khan & Others*), whereby the auction proceedings in respect of the subject property involved in Suit No.832 of 2020 were declared void. The learned trial Court was further directed to conduct the auction proceedings afresh in accordance with law.

2. Learned counsel for the petitioner contends that the impugned order has been passed in violation of law, as the successful bidder failed to deposit the entire auction amount. He further submits that, since there was only one successful bidder, the learned Revisional Court was not competent to set aside the auction proceedings. In support of his contentions, he has referred to the Auction Report dated 20.07.2024, available at page 35 of the Court file, and prays that the impugned order be set aside and the auction proceedings be declared illegal.

3. Learned counsel for the respondents submits that the respondents, being the legal heirs, intended to purchase the subject property. For that purpose, Defendant No.1 (now Respondent No.1), who was present during the auction proceedings, offered to deposit the bid amount either in cash or by cheque; however, his offer was not accepted. Instead, the present petitioner, Osama, was declared the successful bidder and was directed to deposit the bid amount.

4. Heard arguments and perused the material available on record.

5. A perusal of the record reveals that, during the auction proceedings, Defendant No.1 offered to pay the bid amount; however, he failed to deposit the amount through a pay order. Consequently, his offer was not accepted, and the petitioner was declared the successful bidder. In compliance with the Court's directions, the petitioner thereafter submitted the requisite pay order. The Auction Report further reveals that

Syed Zulfiqar Ali was the only bidder left to purchase the subject property. Under the provisions of the Partition Act, the legal heirs, being the co-sharers/co-owners of the property, enjoy a preferential right to purchase the same. However, such preferential right was denied by the Nazir during the auction proceedings, an act which was contrary to the provisions of the Partition Act. Since no illegality, irregularity, or infirmity has been pointed out in the impugned order warranting interference by this Court in its constitutional jurisdiction, the instant petition is dismissed.

6. Office is directed to send copy of this order to the concerned trial Court for compliance.

JUDGE