

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.2795 of 2016

Date

Order with signature of Judge

- 1.For orders on CMA No.8040/2017.
2.For orders on CMA No.8041/2017.

16.05.2017

Mr. Mustafa Lakhani, Advocate a/w
the Plaintiff Ms. Riffat Rashid Khan.
Mr. Faiz H. Shah, Advocate for the Defendant Nos.1&2.
The Defendant No.2 Noor Jehan and Defendant No.3
Muhammad Rashid Khan are also present.

- - - - -

1. Urgency granted.
2. The plaintiff is present alongwith her counsel. Defendant Nos. 2 and 3 are also present. The defendant No.1 is real brother of the plaintiff who executed General Power of Attorney in favour of the plaintiff with power to sell his inherited share. Copy of General Power of Attorney is attached with the compromise application. This is a suit for administration of the property of Abdul Jalil Khan who died on 09.02.2003. The property bearing plot No.17-L, Block-6, P.E.C.H.S, Karachi was owned by deceased Abdul Jalil Khan and now his legal heirs have resolved the issue and agreed to sell this property to Mrs. Samina Shahid. Copy of agreement to sell is attached with the compromise application. In terms of the order dated 06.02.2017, the Nazir has submitted his report alongwith copy of letter issued by the Honorary Secretary of the P.E.C.H. Society dated 24.02.2017 in which it is stated that the plot was allotted to Abdul Jalil Khan in the year 1981 in the exchange of earlier allotted plot No.137-20-A, Block-6, PECHS, Karachi and the case has been forwarded to KDA for approval of creation of said plot on unutilized land in

row No.17. In the compromise application it is further agreed that the Nazir of this court may be appointed to take all necessary steps to transfer the property in the name of buyer in view of the agreement to sell dated 13.05.2017. Since the matter has been resolved amicably, therefore, the plaintiff and the defendants will submit the original title documents of the property with the Nazir of this court where the vendee Mrs. Samina Shahid will also appear and thereafter the necessary proceedings will be initiated by the Nazir for the transfer of property in the name of buyer as according to the plaintiff's and the defendants' counsel it is only a case of pre-lease transfer. The Nazir's fee shall be Rs.25,000/- which will be paid by the plaintiff. The Nazir shall approach the Pakistan Employees Cooperative Housing Society Ltd. for the transfer in accordance with the law. In case of any objection raised by the Pakistan Employees Cooperative Housing Society Ltd., the plaintiff and the defendant shall be responsible to rectify all the defects in the title or to comply with all necessary requirements. All expenses for transfer including miscellaneous expenses shall be borne by the vendee for the pre-lease transfer of the above property and vendor and vendee shall comply with all requisite formalities required for transfer. This suit is disposed of accordingly.

Judge

Asif

