ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

Suit No.281 of 2016

Date Order with signature of Judge

1.For orders on CMA No.11380/2017.

2.For orders on CMA No.11381/2017.

17.08.2017

Mr. M. Nouman Jamali, Advocate a/w the Plaintiff.

Mr. Muhammed Ali Lakhani, a/w Def. Nos.1 & 2.

Mr. Irfan Mir Halepota, Advocate a/w Defendant No.3.

1&2. The urgent application has been filed by the plaintiff for hearing of CMA No.11381/2017 moved under Order 23 Rule 3 CPC. The plaintiff is present with her counsel. Mr. Muhammed Ali Lakhani, Advocate is appearing for the defendant Nos.1 and 2 who are also present, whereas Mr. Irfan Mir Halepota, Advocate is appearing for the defendant No.3 Mrs. Naureen Khurram who is also present in court. This is a suit for administration in relation to the estate left by the deceased Muhammad Salar-e-Azam who died on 12.02.2003. Initially, the plaintiff mentioned in paragraph 2 of the plaint four properties, however, on filing written statement by the defendant No.3 she disclosed property No.F-63/A, Block-F, North Nazimabad, Karachi also. The preliminary decree was passed in this case on 20.09.2016 and the Nazir's report is also available on record but no substantial progress is made so far. The Nazir has also mentioned the properties in his tentative report as pointed out in the plaint. The counsel for the plaintiff has brought the statement to bring on record transfer/mutation letter of Plot No.63/A, Block/Sector-F, North Nazimabad, Karachi, in favour of the plaintiff in the record of City District Government Karachi. Now the plaintiff and the defendant Nos.1 to 3 have filed compromise application. The application is also duly signed by them and

their counsel. The property No.63/A, Block/Sector-F, North Nazimabad, Karachi is in the name of the plaintiff which was gifted to her by Ms. Nishat Perveen vide declaration of gift dated 12.03.2014, however, the plaintiff is willing to bring this property in the family pool for distribution and now in paragraph 5 of the compromise application the parties have mentioned five properties including the Plot No.63/A.

The plaintiff and defendant Nos.1 to 3 have agreed to some modalities for the distribution of deceased's estate amongst them. What I have noted from the contents of the compromise application that they have agreed to relinquish/release the shares vice versa. The suit is decreed in terms of the compromise application with this modification that for the purposes of relinquishment/release or gift deed for the purposes of transfer of properties in terms of the compromise, the parties shall also execute proper release/relinquishment deed or declaration of oral gift in accordance with law as the case may be for effecting the transfer of properties in terms of compromise.

Judge

<u>Asif</u>