

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.1434 of 2017

Date

Order with signature of Judge

- 1.For orders on CMA No.12371/2017.
- 2.For orders on CMA No.12372/2017.

13.09.2017

Mr. Irfan Bashir Bhutta, Advocate a/w the Plaintiff.
Defendant Shahbaz Younus present in person.

1. Urgency granted.
2. This is a suit for specific performance in which the plaintiff has sought the declaration and directions against the defendant to specifically perform the sale agreement in respect of property No.116, 16th Street, Phase-VI, D.H.A., Karachi. The order dated 05.06.2017 reflects that the plaintiff was directed to furnish bank guarantee for the balance consideration of Rs.9,45,00,000/- and the endorsement of the Nazir dated 24.07.2017 on the backside of the order dated 12.06.2017 shows that the bank guarantee was furnished on behalf of the plaintiff by the Soneri Bank, Bahria Complex-III, Lalazar Area, M.T. Khan Road, Karachi. During pendency of this suit, the parties have resolved the dispute whereby the defendant has agreed to transfer bungalow No.116, 16th Street, Phase-VI, D.H.A., Karachi, measuring 1000. sq. yards with all constructions

thereon in accordance with the sale agreement dated 25.02.2017 to the plaintiff in terms of the compromise application. The matter was called in the morning but since no title document was available to show that the defendant is the owner of property No.116, 16th Street, Phase-VI, D.H.A., Karachi, therefore, the matter was kept aside and now the defendant has got the original file to show that he purchased the property through conveyance deed dated 22.03.2016 from one Javed Iqbal and vide mutation letter dated 23.11.2016, the D.H.A. has transferred this property in the name of the defendant. The original documents have been seen and returned. This suit is decreed in terms of the compromise application. Pending applications are also disposed of. Since the matter has been resolved between the parties, the bank guarantee may be discharged by the Nazir on proper verification and identification.

Judge

Asif