

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No.965 of 2013

Date	Order with signature of Judge
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1.For orders on CMA No.13144/2017	
2.For orders on CMA No.12972/2017	
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<u>25-09-2017</u>	
Mr.Farooq H. Naek, Advocate for the plaintiff. Plaintiff is also present. Mr.Dur Muhammad Shah, Advocate for the Defendants. The defendant Nos.1 and 2 are also present. Mr.Karamuddin Junejo, Nazir of this court is also present. ---	
This is suit for declaration, cancellation of documents, possession and injunction. On the last date of hearing both the counsel requested for time to make some amendments in the compromise application particularly in relation to General Power of Attorney as according to defendants the original indenture has been lost. Though they have filed CMA No.12972/2017 for making some amendments in compromise application, but in order to avoid any controversy that may be cropped up while making decree, therefore, they have made necessary corrections in the earlier compromise application i.e. CMA No.12335/2017. Consequently, the CMA No12972/2017 is dismissed as not pressed. Now I would like to take up compromise application for hearing. The original General Power of Attorney is said to have been lost and according to the parties the lost report has been lodged at P.S. Mehmoodabad, Karachi. Learned counsel have made some changes in the compromise application in the hand writing duly signed by their	

clients also. They have also deleted the condition of affidavit and undertaking from clause (d) & (e) of the compromise application. Basically two documents i.e. mutation Order dated 21.04.2012 and Sale Deed dated 2.12.2011 executed by defendant No.1 in favour of the defendant No.2 are available with the defendant No.2. The parties in consideration of this compromise have agreed that the plaintiff shall make payment of Rupees one crore to the defendant Nos.1 and 2 as compensation and out of this amount a sum of Rs.20 lacs have already been paid to the defendants and the defendants acknowledge this fact. The receipt is taken on record. So far as the amount of Rs.80 lacs is concerned, the original post dated cheque dated 30.12.2017 has been handed over to the defendants in court (the Cheque is in the name of defendant No.2 for which the defendant No.1 has no objection). The defendants further submit that original sale deed along with original mutation order may be retained by the Nazir of this court and after clearance of the cheque for the remaining amount on 30.12.2017 the Nazir may hand over these documents to the plaintiff.

The original title i.e. mutation Order dated 21.04.2012 and Sale Deed dated 2.12.2011 have been handed over to the Nazir of this court, which will remain in his custody till further orders. The Nazir shall issue receipt of the documents to defendant No.2. The Nazir fee shall be Rs.10,000/- which will be paid to him in advance.

The suit is decreed in the above terms.

Judge