

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. 1358 of 2004

Date	Order with signature of Judge
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1.For order on CMA No.13841/2017
2.For order on CMA No.12876/2017

11.10.2017

Mr. Khursheed Javed advocate for the plaintiffs.
Mr. Mustafa Lakhani advocate for the defendant No.1
M/s. Muhammad Ameen and Syed Zameer advocates for the defendant No. 3 to 6.
Mr. Abdul Wajid Wyne advocate for the defendant No.7.
Faheem Khan Gabool, legal heir of deceased plaintiff No.1, attorney of Plaintiff No. 3, 4, 5 and 7.
Khalifa Meer Muhammad, Chairman of defendant No.1.
Rifaqat Ali, attorney of legal heirs of defendant No.2.
Munir Ahmed defendant No.5.
Manzoor Ahmed Brohi defendant No.6 is present and also attorney of defendant No. 3 and 4.
Muhammad Iqbal, Legal Head of defendant No.7 (Javedan Corporation Ltd.) is also present.

Fameem Khan Gabool, legal heir of deceased plaintiff No.1 Imtiaz Begum is present and he is also attorney of Waseem Gabool one of the legal heirs of plaintiff No.1 Imtiaz Begum and he is also attorney of Firdous Gabool, Nadeem Gabool and Naeem Gabool, legal heirs of plaintiff No.2 deceased Sahib Bibi. Both the deceased plaintiffs were wives of deceased Zehri Khan Gabool. The original general power of attorney executed in favour of Faheem Khan Gabool is available in court file which has been duly signed by the principal mentioned above. They have also given powers to compromise in the indenture of power of attorney. Mr. Mustafa Lakhani advocate is present with the Chairman of the

defendant No.1 (Sultanabad Co-operative Housing Society Ltd.). The resolution dated 19.08.2017 passed by the Sultanabad Co-operrative Housing Society Ltd. is available at page No. 117, whereby, the society authorized the Chairman of the society Khalifa Meer Muhammad to sign the compromise agreement. One of the legal heirs of the deceased defendant No.2 Mr. Anand Kumar advocate is present in court, however, he pointed out that other legal heirs Utmi Bai and Asha Kumari including him have already issued power of attorney in favor of Rifaqat Ali. The original power of attorney is also available in the court file and in the power of attorney, the present suit number is mentioned with the power to compromise. The defendant No.3 and 4 have also issued power of attorney in favour of the Manzoor Ahmed. The original special power of attorney is also available at page No. 163 of the court file. Defendant No.5 Munir Ahmed is also present in court. The defendant No.7 Javedan Corporation Ltd. is being represented by Muhammad Iqbal, head of legal department. The board resolution is available at page No. 131 of the court file in which the Chief Executive of the Javedan Corporation Ltd. has authorized Muhammad Iqbal to appear in this suit and file compromise application. After recording the presence of the parties in person and through their attorneys, I would like to take up the compromise application CMA No. 13841/2017. Basically, this is a suit for Specific Performance of contract and Permanent Injunction. In the compromise application, the plaintiffs and defendant No. 2 to 7 recognized

and admitted that the defendant No.1 is the sole and absolute owner of property Survey Nos. 57, 58, 59, 61, 62, 64, 69, 85, 86, 87, 88 and 89 as per Form VII, Deh Halkani, Tapo Manghopir, District Karachi West by way of sale deed duly registered in their favour on 01.02.1977. However, in order to resolve the controversy pending between the parties since 2004, they have agreed to some terms and conditions mentioned in the application. The application has been signed by all including learned counsel for the plaintiff, counsel for the defendant No.1, legal heirs of deceased defendant No. 2 and their counsel and the learned counsel for the defendant No.3 to 6 has also signed the compromise application along with his clients as well as representative of the defendant No.7 and their Advocate. All agreed to the modalities that have been settled in compromise application. By their consent, the compromise application is allowed and suit is decreed in terms thereof. All learned counsel in one voice submitted that they had filed CMA No.12876/2017 for compromise under Order XXIII Rule 3 C.P.C. but due to some formal defects, they did not press it earlier and filed a fresh compromise application which has been disposed of today, therefore, CMA No. 12876/2017 is dismissed as withdrawn.

JUDGE

Aadil Arab