

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Suit No.2051 of 2016

Date

Order with signature of Judge

For orders on CMA Nos:

1.14174/2017.

2.14080/2017.

3.14081/2017.

17.10.2017

Ms. Mahmooda Suleman, Advocate for Plaintiff.
Mr. Basil Nabi Malik, Advocate for Defendant No.1.
Mr. M. Farooque Hashim & Ms. Shama Parveen,
Advocates for the Defendant No.2.

1. Counsel for the plaintiff has moved urgent application which is granted.
2. The plaintiff has moved this application under Order 23 Rule 1 CPC in which it is stated that the matter has been amicably resolved with the defendant Nos.1 and 2, therefore, the plaintiff does not want to proceed and wishes to withdraw this case. The application is supported by the personal affidavit of the plaintiff duly verified by the Identity Section Management System (ISMS), department of this court. The counsel for the defendant Nos.1 and 2 are present and they confirm that the matter has been settled amicably and they have no objection. The defendant No.3 is the society as well as the defendant No.4 is Sub-Registrar.

They have apparently no concern with the matter. In view of the above statement, this suit is disposed of accordingly.

3. The plaintiff's counsel has moved this application in which it is stated that on 23.09.2016 the interim orders were passed subject to the payment of remaining sale consideration. The application is supported by the personal affidavit of the plaintiff duly verified by the Identity Section Management System (ISMS), department of this court. The counsel prayed that since the suit has been withdrawn, therefore, some directions may be issued to the Nazir to refund this amount. The endorsement of the Nazir is available on the order dated 13.12.2016. Counsel for the defendant Nos.1 and 2 have no objection on the refund of this amount. The Nazir is directed to refund the amount including the profit, if any, accrued thereon to the plaintiff on proper verification and identification. All pending applications including this one are disposed of accordingly.

Judge

Asif