# ORDER SHEET HIGH COURT OF SINDH AT KARACHI

#### C.P. No.D-583 of 2016

Date Order with Signature(s) of Judge(s)

## <u>Present</u> Mr. Justice Muhammad Ali Mazhar Mr. Justice Abdul Maalik Gaddi

MCB Bank Limited & another ..... Petitioners

### VERSUS

Karachi Metropolitan Corp. & others ..... Respondents

#### 02.3.2017

Mr. Ishtiaq A. Memon, Advocate for Petitioner Ch. Abdul Rasheed & Mr. Arshad Lodhi, advocate for respondent No.1 Mr. Akram Javed, Special Prosecutor, NAB Mr. Sabih Rafae, IO, NAB Syed Dildar Hussain Shah, Project Director, Lines Area Redevelopment Project

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<u>Muhammad Ali Mazhar-J.</u> The petitioner has prayed for directions against the respondent No.1 to entertain and process the joint application of the petitioners for transfer of commercial plot No.MC-6, Sector No.1, measuring 3294 sq.yds. Scheme No.35 (Lines Area) Karachi.

2. Further directions have been sought against the respondents No.2 and 3 to return the original file of the said plot to the respondent No.1, so that they may entertain and process the transfer application.

3. Since there was some dispute as to in whose custody the original file of the plot, therefore, notice was also issued to the NAB authorities. On 22.02.2017, Mr. Sabih Rafae, IO, NAB, attended the court with Mr. Akram Javed, Special Prosecutor, NAB and they clearly stated that the original file of the plot is lying with Project Director, KMC, Lines Area Redevelopment Project. Today, the

counsel for the respondent No.1 also submitted a statement of arrears in connection with the non-utilization fee and on the statement, he has also added a note in the handwriting that the original file of the property is with the respondent No.1.

4. Since the controversy regarding the missing of original file has been resolved, the petitioners may approach again to the respondent No.1 for finalization of the transfer proceedings. Learned counsel for petitioners submits that since November 2014, their application is pending. So far as the calculation of NUF is concerned, learned counsel for petitioners has shown some concern that the petitioners may not be held responsible for the payment of NUF for the period in which the file was missing. Learned counsel for KMC submits that let petitioners approach to the concerned department of respondent No.1, where matter will be resolved amicably. On this statement the learned counsel for the petitioner is satisfied.

5. The petition is disposed of accordingly along with pending application.

Judge

asim/pa

Judge