

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

IIInd Appeal No.06 of 2015.

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For katcha peshi.
2. For hearing of C.M.A-253 of 2015.

23.11.2017.

Miss Humaira Shaikh Advocate holds brief on behalf of Mr. Abdus Salam, Advocate for the appellants.

Moizuddin, appellant No.1, present in Court.

Mr. Muhammad Sulleman Unar, Advocate alongwith attorney of the respondent.

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Learned counsel holding brief for learned counsel for the appellants has requested for time in the morning, which was declined and after the tea break, the matter has been taken up. Learned counsel for the respondent in the present circumstances, has proceeded with the case wherein he contended that the subject property was enjoyed ownership of 05 (five) owners and as such the respondent, one of the co-owner, had filed the suit for partition and mesne profits, which was decreed and the said judgment was kept intact even by the appellate Court. However, on account of these proceedings, since further process could not be taken place and as such the said respondent is not able to obtain his right. Moizuddin, the appellant No.1, present in Court, could not answer the question as to why the rights of the owners should not be made available to them in a transparent manner. In the circumstances, this appeal stands disposed of with observation that the subject property shall be put to sale by way of public auction wherein the owners shall have the first right to match the highest bid.

Listed application also stands disposed of in view of above.

JUDGE