

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Suit No.1546 of 2016**

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Date	Order with signature of Judge
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For orders on CMA No.5459/2018

**11-04-2018**

Mr.Umer Saleem Memon, Advocate for the Plaintiff.  
Plaintiff Tariq Mumtaz and Plaintiff's first attorney Syed Ayaz Hussain s/o Syed Nisar Husain and second attorney Syed Muhammad Shakeel s/o Syed Muhammad Jaleel are present in person.

Mr.Asif Ali Memon, Advocate for Defendant No.1  
Defendant No.1 Anas Abdani is also present in person.

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The defendant No.2 has already declared exparte.

This is a suit for specific performance of contract of sale, possession, permanent injunction and recovery of Rs.25,00,000/- as damages. The plaintiff has filed this suit through his attorney Syed Ayaz Hussain s/o Syed Nisar Husain, who is present and power of attorney issued by the plaintiff in his favour is available at page-97 of the court file. Subsequently, the same plaintiff executed another power of attorney in favour of Syed Muhammad Shakeel s/o Syed Muhammad Jaleel, who is also present in person. Learned counsel for the plaintiff submits that since the earlier attorney was out of country, therefore, the plaintiff executed second power of attorney in favour of Syed Muhammad Shakeel s/o Syed Muhammad Jaleel. Both the attorneys are present in court and they are not at issue with the plaintiff. The plaintiff with his own signature along with signature of his counsel has filed CMA No. 5459/2018 under Order 23 Rule 1 CPC for withdrawal of the suit. The defendant No.1 is also present and he has no objection on withdrawal of the suit. Both the learned counsel pointed out the order dated 13.3.2017 in terms of which the plaintiff had deposited 123 pay orders of different banks amounting to

Rs.146,300,000/- and the endorsement of the Nazir is available on reverse side of the order dated 13.3.2017. The application is supported by personal affidavit of attorney Syed Muhammad Shakeel s/o Syed Muhammad Jaleel, which is duly verified by ISMS Department of this court. In paragraph 4 of the of the affidavit it is stated that the amount deposited with the Nazir of this court may be released to the nominee of the plaintiff Syed Ayaz Hussain s/o Syed Nisar Hussain bearing CNIC No.42301-4887891-5. The plaintiff and defendant No.1 have no objection including attorney of the plaintiff that if this amount is released to the first attorney/nominee Syed Ayaz Hussain s/o Syed Nisar Hussain.

In view of the above, the suit is disposed of accordingly. The amount may be released by the Nazir after proper identification and verification.

Judge

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