

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Suit No.720 of 2015

Date

Order with signature of Judge

1.For orders on CMA No.5525/2018.

2.For orders on CMA No.5526/2018.

10.04.2018

Mr. Salman Hamid, Advocate a/w the
Plaintiff Muhammad Aslam Qureshi.
M/s. Mohsin Shahwani, & A. Kareem Abbasi,
Advocates a/w the Defendant Nos.1&2
Mst. Azra Siddiqui & Ms. Ayesha Siddiqui.
Ms. Sofia Saeed, Advocate for Decree-Holder
in Ex. No.06/2009.

1. Urgent application moved by counsel for the defendant Nos.1 and 2 is granted.

2. This is an application under Order 23 Rule 3 CPC jointly filed by the plaintiff and defendant Nos.1 and 2 which is supported by the affidavits of plaintiff and defendant Nos.1 and 2 duly verified by the Identity Section Management System (ISMS), department of this court. Plaintiff Muhammad Aslam Qureshi is present, whereas the defendant No.1 Mst. Azra Siddiqui widow of (late) Farooq Iqbal Ahmed Siddiqui and defendant No.2 Ms. Ayesha Siddiqui daughter of (late) Farooq Iqbal Ahmed Siddiqui both are also present. The defendant Nos.3 to 5 are stated to be proforma defendants but the title reflects that the

plaint against the defendant Nos.3 and 4 had already been struck off vide order dated 13.02.2018. This is a suit for declaration, injunction, possession and specific performance of the agreement dated 10.03.2011 entered into between the plaintiff and the predecessor of defendant Nos.1 and 2 in relation to the property No.21/A-II, Khayaban-e-Shamsheer, Phase-V, D.H.A., Karachi. The certain modalities have been agreed between the parties to resolve their pending issue. The plaintiff's counsel admits that a sum of Rs.3,212,000/- (Rupees Three Million Two Hundred & Twelve Thousand only) is liable to be paid to the defendant Nos.1 and 2 on the date of execution of conveyance deed in favour of the plaintiff. They further admit that the property stands in the name of predecessor of defendant Nos.1 and 2 in the record of D.H.A., however, the parties agree that before execution of the conveyance deed in favour of the plaintiff or his nominee, the defendant Nos.1 and 2 will comply with all requisite formalities in the record of D.H.A. for the mutation in their name. The plaintiff is directed to deposit Rs.3,212,000/- with the Nazir of this court and after completion of mutation proceedings the plaintiff and the counsel for the defendant Nos.1 and 2 will intimate the Nazir so that the sale deed may be executed under the supervision of the Nazir of this court. The Nazir's fee shall

be Rs.15,000/- which will be paid by the plaintiff in advance. On execution of the conveyance deed in favour of the plaintiff by the defendant Nos.1 and 2, the Nazir shall release the amount to the defendant Nos.1 and 2. The parties have also mentioned some pay orders in the compromise application which were allegedly misplaced. The details of misplaced pay orders and obtaining afresh by the Nazir from concerned banks are mentioned in the order dated 10.04.2018 passed in the Execution Application No.06/2009 disposed of today. With the above modification, the compromise application is allowed and the suit is decreed accordingly. Pending applications are also disposed of.

Office is directed to attach copy of the compromise application with the decree.

Judge

Asif