

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Suit No.169 of 2012

Date

Order with signature of Judge

For orders on CMA No.6665/2018.

30.04.2018

M/s. Shaikh Jawaid Mir & Khursheed Javed,
Advocates for the Plaintiffs a/w Plaintiff Nos.2&3
and Plaintiff No.1's Attorney Khalid Zaki.
Syed Sultan Ahmed, Advocate a/w
the Defendant Saeed Ahmed Khan.

The plaintiff Nos.2 and 3 Mrs. Farzana Zaki and Khalil Khan are present with their counsel. The plaintiff No.1 is being represented by his attorney Khalid Zaki son of late Muhammad Abdul Hai who is present, whereas the defendant Saeed Ahmed Khan is also present with his counsel. The counsel for the plaintiffs has filed a statement alongwith the photocopy of unregistered general power of attorney issued by the plaintiff No.1 in favour of his attorney Khalid Zaki. The record reflects that in compliance of the order dated 19.02.2018, the plaintiffs have already deposited Rs.2,28,57,142/- with the Nazir of this court through pay orders. The parties have amicably resolved the dispute and filed the compromise application (CMA No.6665/2018). The application has been signed by the plaintiff Nos.2 and 3 and plaintiff No.1 through his attorney, whereas the defendant has also signed the compromise application. The application is supported by the affidavits of plaintiffs and defendant duly verified by the Identity Section Management System (ISMS), department of this court. They affirm that the compromise application has

been filed by consent. The plaintiffs have also given their no objection to release Rs.20,00,000/- to the defendant by the Nazir from his deposited share for the arrangement of alternate accommodation. The defendant undertakes that he will vacate the premises within ninety days from the order dated 19.02.2018. He further submits that if the amount is released at an early date, the defendant also agrees to execute the relevant documents in favour of the plaintiffs and hand over peaceful and vacant possession to the plaintiffs. He will sign the relinquishment deed in favour of the plaintiffs. The plaintiffs will prepare the deed of relinquishment/release and also intimate the Nazir of this court. The relinquishment deed may be registered under the supervision of the Nazir. The Nazir's fee shall be Rs.15,000/- which will be paid by the plaintiffs in advance. The plaintiffs will also intimate the date and time to the Nazir for deputing any official from his office to be present in the concerned Registrar office. On execution of the deed of relinquishment, the Nazir shall release the remaining amount to the defendant on the same date subject to the clearance of the up-to-date utility bills/taxes. With this modification in the order, the compromise application is allowed and the suit is decreed accordingly. Pending applications are also disposed of.

Judge

Asif