

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
HCA No.133 of 2018

Date	Order with signature of Judge
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- 1.For order on CMA No.1414/2018
- 2.For hearing of main case
- 3.For hearing of CMA No.1297/2018.

23.05.2018

Ms. Sana Akram Minhas advocate for the appellant.
Mr. Taha Ali Zai advocate for the respondent.

The appellant has challenged the order dated 30.04.2018 passed by the learned Single Judge of this court in Execution No.35/2017. On an urgent motion this appeal was fixed before us on 11.05.2018 when the court issued notice to the respondents in the meanwhile operation of the impugned order was suspended.

Today learned counsel for the respondent has filed urgent application for fixation of this matter to an early date. Since the learned counsel for the appellant is also present, therefore, by consent the matter was taken up for hearing. The appellant is basically aggrieved by the directions given by the learned Single Judge in the impugned order to the Nazir to approach State Bank of Pakistan for seeking details of the accounts of the judgment debtor/appellant with further directions that once such details are available then immediately attach the accounts. Learned counsel for the appellant argued that the execution application is pending and it was at the stage of hearing of objections but before allowing the execution

application the attachment order was passed which have serious consequences and repercussions.

Learned counsel for the respondent pointed out the findings of the Arbitrator in the Award which was affirmed in the appeal. Against the order of the Deputy Registrar passed in appeal, a revision was also filed to the Minister Cooperative which was also dismissed, thereafter, the same appellant filed the petition in this court which was also dismissed and now, learned counsel for the appellant submits that they are approaching to the apex court for challenging above series of orders. In the order passed by the Registrar's Nominee in ABN Case No. 62/2008, the Registrar's Nominee concluded as under:-

“Therefore, the defendant society is directed to allot plaintiff the first available plot of the same size/value which is or becomes available in future by way of cancellation or for any other reason. Alternately the defendant society shall compensate the plaintiff adequately at the present market value of the plot in question.”

Learned counsel for the respondent endorsed his no objection on setting aside the order provided the correct valuation of plot as may be offered as compensation be submitted in the executing court within two weeks. Learned counsel for the appellant agrees to this proposal, however, she submits that valuation of the alternate size of plot would be without prejudice to the objections raised by the appellant in the execution application as well as their right to challenge the series of orders passed by the arbitrator including last order

passed by this court in C.P. She requests for one month's time for submitting valuation.

On submission of the valuation of the plot by the appellant if the respondent wants to submit their own valuation he will have also a right to submit the market value accordingly. The appellant shall submit the valuation of the alternate plot within three weeks in the execution application and the learned Single Judge will decide the execution application after hearing the objections, if any, filed by the appellant to the execution application. By consent this appeal is disposed of along with pending application in the above terms.

JUDGE

JUDGE

Aadil Arab

