

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. 966 of 2015

Date	Order with signature of Judge
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1. For order on CMA No.15579/2017
2. For order on CMA No.15580/2017

08.12.2017

Plaintiff Muhammad Saleem is present a/w his counsel Mr. Muhammad Zahid Khan advocate.

Mr. Saifuddin advocate for the defendants No. 1 & 2.

Defendant No. 1 and 2 Muhammad Farooq Kapadia and Muhammad Yaseen Umer Kapadia are also present.

None present for the defendant No. 3 and 4.

This is a suit for declaration, permanent injunction, demolition, damages and partition. The plaintiff by virtue of the gift deed claimed that he is entitled to 25% share, whereas, defendant No. 1 is entitled to 50% and defendant No. 2 is entitled for 25% share in the property No. 4, Delhi Mercantile Cooperative Housing Society, Block-7 & 8. Copy of gift deed is available at page 53. The plaintiff and defendant No.1 and 2 all are real brothers, however, due to some dispute, they filed this suit. Learned counsel for the plaintiff moved urgent application along with CMA No.15580/2017 under Order XXIII Rule 3 C.P.C. Now, matter has been amicably resolved between the plaintiff and defendant No. 1 and 2, therefore, they have filed compromise application. The compromise application is supported by the affidavit of plaintiff and defendant No. 1 and 2 duly verified by the Identity Section Management System (ISMS) department of this court. Since there is no impediment in recording this compromise, therefore, compromise is recorded. The suit is decreed in terms of compromise. However, the suit against the defendant No. 3 & 4 is dismissed as withdrawn.

JUDGE