

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

S.M.A. No.53 of 2015

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| Date | Order with signature of Judge |
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| 1.For orders on CMA No.1944/2017 | |
| 2.For orders on CMA No.1945/2017 | |

12-12-2017

Mr.Shafqat Zaman, Advocate for the Petitioner along with petitioner Muhammad Adnan Mansuri
Legal heirs Muhammad Shazad Mansuri, Ms.Bismillah Mansuri, Ms.Salma Hussain are also present.

1. Urgent application filed by the petitioner is granted.

In the Schedule "A" of SMA residential plots Nos.78 and 79 Block-A, Army Welfare Trust Housing Scheme, Asal Lakhawal, Lahore are mentioned at Sr.No.2.

Now the petitioner has filed application under Section 151 CPC to demonstrate that other legal heirs have surrendered their respective shares in the property mentioned at Sr.No.2 of Schedule "A" in favour of the petitioner and they have no objection if the plots are mutated in the name of petitioner Muhammad Adnan Mansuri.

In the petition at Sr.No.1 the name of Muhammad Shafi Mansuri is mentioned who was father of deceased Muhammad Haroon Mansuri. After grant of SMA,

he expired, therefore, Muhammad Adnan Mansuri filed SMA No.548/2016 in District Judge, Karachi South.

Along with this application the petitioner has filed the affidavits of no objections of Mst.Bismillah Mansuri and Muhammad Shazad Mansuri the legal heirs of deceased Muhammad Haroon Mansuri and in addition thereto they have also filed affidavit of Ms.Salma Hussain, who is aunt of the petitioner and daughter of deceased Muhammad Shafi Mansuri. She has also deposed in her affidavit that she has received her share. She is present in court and stated to have no objection if the Army Welfare Trust plots are transferred in the name of her nephew Muhammad Adnan Mansuri. One Nazir report dated 7.12.2016 is also available on record to show that Army Welfare Trust cannot take up the transfer proceedings unless the original transfer letter is received by Army Welfare Trust. Since all the legal heirs have surrendered their shares in favour of the petitioner, therefore, original title documents of the said plots may be handed over to the petitioner on furnishing solvent surety equivalent to the value of both the plots, thereafter, the petitioner may approach to the Army Welfare Trust for the transfer/mutation in his favour in accordance with the Rules and Regulations of Army

Welfare Trust. The application is allowed. Office is directed to mark CMA number on this application.

After passing the above order, counsel for the petitioner does not want to press the CMA No.1293/2016 which is dismissed as not pressed.

The CMA No.977/2017 has been filed by the petitioner for releasing the surety documents as other properties have been mutated in the name of legal heirs. The Nazir is directed to examine the mutation/transfer letter and if the properties are mutated in the name of all legal heirs then surety may be discharged and documents may be released to the petitioner. The legal heirs present in court have no objection if the original documents are handed over to the petitioner. This application is disposed of.

Judge

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