

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. 931 of 2014

Date	Order with signature of Judge
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1. For order on CMA No.597/2018
2. For order on CMA No.598/2018

16.01.2018

Plaintiff Asif Ali Halai is present a/w his counsel Mr. Muhammad Irfan Haroon advocate.
Defendant Shirin Hasan Ali is present a/w her counsel Ms. Nazia Siddiqui advocate.

1. Urgency granted.
2. This is a suit for specific performance of contract, declaration, permanent injunction and damages. The plaintiff and defendant have jointly filed an application under Order XXIII Rule 3 C.P.C for recording their compromise. The parties have settled certain modalities for the transfer of Flat No. A-15, Boat View Apartments, Plot No. FL-18, Khayaban-e-Saadi, Block-5, Clifton, Karachi. I have also seen original indenture of sub-lease of the flat in question executed by Ali Associates for the above Flat in favour of the defendant. It is further stated that Rs. 60,00,000/- have already been deposited by the plaintiff with the Nazir of this court and report of the Nazir dated 14.03.2017 is available on record. The remaining amount of Rs. 11,00,000/- will be deposited by the plaintiff tomorrow with the Nazir of this court as stated in the compromise application. In paragraph No.1 it is stated that possession will be handed over to the Nazir by the defendant

and Nazir will hand over the possession to the plaintiff. Since the parties have amicably resolved their dispute, therefore, this suit is decreed in terms of compromise with the modification that Nazir will only supervise the handing over and taking over the possession and plaintiff and defendant will intimate the date of handing over the possession on which the Nazir or his nominee will be available and defendant will hand over the possession to the plaintiff subject to deposit of balance amount by the plaintiff as stated in the application. The Nazir's fee shall be Rs. 25000/- (rupees twenty five thousand) which will be paid by the plaintiff in advance to the Nazir. The suit is decreed accordingly with all pending applications with above modification.

JUDGE

Aadil Arab