

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Suit No.302 of 2016

Date	Order with signature of Judge
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- 1.For orders on CMA No.199/2017.
- 2.For orders on CMA No.17533/2016.
- 3.For orders on CMA No.1892/2016.
- 4.For orders on CMA No.1893/2016.
- 5.For orders on CMA No.8741/2017.
- 6.For orders on CMA No.15682/2017.
- 7.For exparte order against Defendant No.1(c)(d).

08.02.2018

Mr. M. Shafi Rajput, Advocate for the Plaintiff
alongwith Mst. Gul Naz, widow of Plaintiff late Shoaib
Hussain Siddiqui.

Mr. Qamar Zaman, Advocate for the Defendants.

This is a suit for partition and administration of the property of deceased Mst. Aliya Begum widow of Hussain Ahmed Siddiqui (late) who left immovable property viz. House No.90-C, Block-II, PECHS, Karachi measuring 200 sq. yards. The present plaintiffs are the legal heirs of deceased Shoaib Hussain Siddiqui son of Mst. Aliya Begum (late). His legal heirs Mst. Gul Naz (widow) and two sons Muhammad Farrukh Shoaib Siddiqui and Obaid-ur-Rehman Siddiqui have filed this case for the inherited share of deceased Shoaib Hussain Siddiqui devolved upon them. From the order dated 12.06.2017 the report of Nazir is reflected regarding the valuation of property in the sum of Rs.4,15,00,000/- when the parties agreed to auction this property with this benchmark, however, at that time also the defendants were left at liberty to purchase the shares of the plaintiff and make payment of their shares. However, the order sheet dated 19.12.2017 also reflects

the Nazir report dated 30.10.2017 which shows that the defendants agreed to purchase the property in the sum of Rs.3,10,00,000/-. Paragraph 7 of the Nazir report further reflects that the plaintiff raised the objection that the value is far less than the reserved price, however, on 19.12.2017 the court ordered that since the defendants are willing to purchase the property in the sum of Rs.3,10,00,000/-, therefore, the due share of the plaintiffs may be disbursed as per their respective entitlement and directions were issued to the defendants to deposit this amount within fifteen days as per calculation by the Nazir. On the reverse side of this order, the Nazir has endorsed on 18.01.2018 that in pursuance of the order dated 19.12.2017 the Advocate for the defendants has deposited a sum of Rs.4,174,666/- being the share of the plaintiffs and the sum is lying with the Nazir vide C.L. No.5686. Now the counsel for the plaintiff and defendants have filed a joint statement in which it is stated that the shares of the plaintiffs have been deposited with the Nazir on 18.01.2018 and the plaintiffs can withdraw their shares and the matter may be disposed of. This statement has been signed by the counsel for the plaintiff and the defendants as well as Mst. Gul Naz (plaintiff), widow of Shoaib Hussain Siddiqui. The court specifically asked her whether she agrees to the value of Rs.3,10,00,000/- on the basis of which the shares of the plaintiffs have been deposited by the defendants, she clearly stated that she accepts the value and the share deposited by the defendants. She further requests that this amount may be released. She further submits that her both sons are not present here but she has complete instructions from them also being their real mother and they have no objection on amount deposited by the

defendants and in case of any objection she will be responsible to indemnify. The counsel for the defendants submits that the original file is lying with the Nazir of this court which may be returned to the defendant No.4 who is the attorney of all defendants. In view of the above statement, this suit is disposed of by consent accordingly alongwith pending applications. The Nazir may issue cheques according to shares to Mst. Gul Naz (widow) and Muhammad Farrukh Shoaib Siddiqui and Obaid-ur-Rehman Siddiqui separately. Paragraph 4 of the Nazir report dated 30.10.2017 demonstrates that the original title documents were deposited which are in safe custody of the Nazir vide Sr. No.6827. Since the parties have resolved the matter amicably, therefore, the original title documents of the property may be issued to the attorney of the defendants on proper verification and identification.

Judge

Asif