

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Suit No.959 of 2010

Date

Order with signature of Judge

1.For orders on CMA No.1903/2018.

09.02.2018

None present for the Plaintiff.

Mst. Shaista Fatima, widow of Defendant No.1

Ejaz Abbas & two Legal Heirs Ms. Rida Zehra

& Muhammad Taqi Abbas present.

Mr. M. Aqil, Advocate for Defendant No.1(i).

Dr. Ch. Waseem Iqbal, Official Assignee present.

The counsel for defendant No.1(i) has filed this urgent application which is granted. The learned counsel requests that CMA No.512/2018 may be taken up for orders. The learned Official Assignee is also present. On 16.01.2018, notice was issued to the learned Official Assignee to submit the report with regard to the shares of Ms. Rida Zehra and Muhammad Taqi Abbas. The report has been submitted on 27.01.2018. Ms. Rida Zehra has attained the majority and copy of her NIC is taken on record, whereas Muhammad Taqi Abbas is still minor. The learned counsel submits that after withdrawing the shares of both these legal heirs, their mother Mst. Shaista Fatima will purchase this property in the joint names, therefore, she requests for the release of share of minor also. The Official Assignee in last paragraph of his report stated as under:

“5. The Official Assignee respectfully submits the above facts and prays that Official Assignee may be permitted to release the amount of two minors in the shape of pay orders in favour of Vendor of the Flat subject to filing of undertaking by the widow to deposit the original title documents of the property

with Nazir of this Hon'ble Court within one month of the receiving of the same to be retained till the minor legal heirs attain the age of majority and execution of Indemnity Bond in favour of minors.”

The learned counsel for the defendant No.1(i) on instructions agrees that after purchasing the property the original title documents will be submitted to the Official Assignee and in the intervening period Mst. Shaista Fatima will also sign the indemnity bond. At this juncture, the learned Official Assignee clarifies that since it was not in his knowledge that Ms. Rida Zehra has attained majority, therefore, he could not mention this fact in the report and both legal heirs were treated minors.

The application (CMA No.512/2018) is disposed of in terms of paragraph 5 of the Official Assignee's report reproduced above accordingly.

Judge

Asif

