

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Suit No.2563 of 2017

Date

Order with signature of Judge

1.For orders on CMA No.2150/2018.

2.For orders on CMA No.2151/2018.

13.02.2018

Mr. Talha Makhdoom, Advocate a/w Plaintiff Naeem Akhtar.

Mr.Afzal Ahmed,Advocate a/w Defendant No.1 Saleem Akhtar.

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1. Urgent application filed by the plaintiff's counsel is allowed.

2. This is an application under Order 23 Rule 3 CPC. The plaintiff and defendant No.1 both are real brothers. They have resolved the dispute amicably. The record shows that both the plaintiff and defendant No.1 are joint owners of Flat No.A-405, 4th Floor situated in the project Rao Zabaish, Gulistan-e-Jauhar, Karachi and another Flat No.A-04, Ground Floor in the same project. The sale deeds in the names of plaintiff and defendant No.1 are available on record. Through this compromise, the defendant No.1 agrees to execute relinquishment/release deed in favour of the plaintiff with respect to his 50% share and in the said term the matter has been resolved amicably. The compromise application is duly signed by the plaintiff and defendant No.1 and their counsel. Application is also

supported by the affidavits of plaintiff and defendant No.1 duly verified by the Identity Section Management System (ISMS), department of this court. In paragraph 2 of the compromise application, it is stated that the release deed shall be registered before the concerned Sub-Registrar within ten days by the Nazir of this court acting on behalf of the defendant No.1. To that extent, I would like to modify the terms that the Nazir has nothing to do in the compromise, however, the release/relinquishment deed may be executed by the defendant No.1 in favour of the plaintiff under the supervision of the Nazir of this court or his nominee. The plaintiff and the defendant No.1 shall submit the draft of relinquishment deed to the Nazir of this court and they will also intimate the date and time so that the Nazir may depute any official from his office to be present before the concerned Sub-Registrar so that the release deed may be executed between the parties. The Nazir's fee shall be Rs.25,000/- which will be paid by the plaintiff in advance. This suit is decreed between the plaintiff and defendant No.1 accordingly alongwith pending applications. However, the suit against defendant No.2 is dismissed as withdrawn.

Judge

Asif

