

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.771 of 2017

Date	Order with signature of Judge
16-02-2018	1.For orders on CMA No.2447/2018 2.For orders on CMA No.2448/2018

16-02-2018

Moulvi Iqbal Haider, Advocate for the Plaintiff.

Plaintiff is also present.

Mr.Aqil Awan, Advocate for the Defendant No.2. The defendant No.2 is also present in person.

Defendant No.1 Muhammad Salman Swaleh is present in person.

1. Urgent application filed by the plaintiff is granted.

2. This is a suit for partition and permanent injunction.

The gist of moveable and immoveable properties are mentioned in paragraph 3 of the plaint. Counsel for the plaintiff has filed this compromise application (CMA No.2448/2018) under Order 23 Rule 3 CPC that they have settled some modalities to resolve their dispute amicably. The compromise application has been signed by plaintiff and counsel for the plaintiff, whereas defendant Nos.1 and 2 and counsel for the defendant No.2 have also signed the compromise application. The application is supported by personal affidavits of plaintiff, defendant Nos.1 and 2 duly verified by ISMS Department of this court.

It is stated in the compromise application that the defendant No.2 has agreed to sell 40% share to the plaintiff at a lump sum price of Rs.1,64,00,000/- (Rupees one crore sixty four lacs only). It is further stated that Rs.10,00,000/- has already

been paid and remaining amount of Rs.1,54,00,000/- is being paid to defendant No.2 through pay order in court. The pay order number is mentioned in the compromise application and the defendant No.2 acknowledged to have received the original pay order in court. So far as the defendant No.1 is concerned, he has agreed to relinquish his share in favour of the plaintiff. The defendant No.1 has affirmed the contents of compromise application.

In compromise application 05 National Saving Certificates equal to the Value of Rs.25,00,000/- are mentioned. The plaintiff admits that the original National Saving Certificates are in her custody and according to this compromise she will deposit the same with Nazir of this court within 03 working days. After receiving the National Saving Certificates the Nazir shall encash the same and distribute the proceed amongst the legal heirs as per their shares mentioned in paragraph 1 of the compromise application. So far as the purchase of share by the plaintiff from defendant No.2 and relinquishment of share by the defendant No.1 are concerned, proper transfer/relinquishment documents shall be executed directly by the parties in accordance with law to establish the title of the plaintiff.

The Nazir fee shall be Rs.20,000/- which shall be adjusted from the shares of plaintiff and defendants according to their shares mentioned in the compromise application. The suit is decreed accordingly.

Judge

