

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

Suit No.1443 of 2015
&
Suit No.1460 of 2016

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For orders on CMA No.2920/2018

27.02.2018

Plaintiff Muhammad Amin Iqbal and his attorney M.Idrees both are present along with their Counsel Mr.Ali Zaidi, in Suit No.1443 of 2015 and Suit No.1460 of 2016.

Defendant Nos.1 to 5 Noor Muhammad, Muhammad Ayaz, Muhammad Shahid, Muhammad Shahzad and Muhammad Saqib are present along with their Counsel Mr.Khalid Jawed in Suit No.1460/2016 (defendant Nos.7 to 11 in Suit No.1443/2015).

Defendant No.6 in Suit No.1460/2016 (defendant No.1 in Suit No.1443/2015) Nazia Khursheed for self and attorney of defendant No.7 to 10 in Suit No.1460/2016 (defendant Nos.2 to 5 in Suit No.1443/2015) are present along with their counsel Mr.Shab Alam.

In both the aforementioned suits the plaintiff and private defendants are common, therefore, they have filed a joint compromise application under Order 23 Rule 3 CPC (CMA No.2920/2018). The defendant No.11 in Suit No.1460/2016 has not been served as no address is mentioned in the plaint. All learned counsel in one voice submit that he has no concern with the suit and request that the suit may be dismissed as withdrawn against him. In both the suits there are some official defendants i.e. K.D.A., Municipal Commissioner and Sub-Registrar. Learned counsel for the parties further submit that the suits against official defendants may also be dismissed as withdrawn. In fact Suit No.1443/2015 is for specific performance, possession, declaration, injunction and damages, whereas the Suit No.1460/2016 has been filed for declaration, cancellation of documents, permanent injunction and mesne profits. In both

the suits virtually the property in issue is one and the same i.e. House No.C-26, measuring 600 sq.yards situated in Block-13, KDA Scheme No.16, F.B. Area Karachi.

In the compromise application the parties have jot down certain terms and conditions and modalities in order to resolve the dispute amicably.

Sara Khursheed, Ammarah Khursheed, Jaffar Khursheed and Haider Khursheed Ali have issued power of attorney in favour of Nazia Khursheed, who is their real mother. Copies of both power of attorneys are attached with the compromise application.

Today, in pursuance of compromise the plaintiff has acknowledged to have received pay orders in the sum of Rs.45,00,000/- (Rupees forty five lacs only) in court as mentioned in the paragraph 5 of the compromise application. In paragraph 10 of the compromise application it is stated that the plaintiff has revoked special/general power of attorney given to his attorney Idrees son of Iqbal Abdullah. The attorney is also present in court and he admits that his Principal (Plaintiff) has canceled all power of attorneys and he will have no claim in view of the power of attorneys issued earlier by the plaintiff, which will have no legal effect in future.

The compromise application is supported by affidavits of the plaintiff and defendants, who have also signed the compromise application and they are present in court and affirm the contents of the compromise application.

The Suit No.1460/2016 against defendant No.11 to 14 is dismissed as withdrawn, whereas the Suit No.1443/2015 against defendant No.6 is dismissed as withdrawn.

In paragraph 7 of the compromise application the parties have also agreed to the disposal of pending HCA No.32/2018 for which they will have to move proper application before the learned Division Bench of this court.

Both the suits are decreed in terms of compromise accordingly with the above modification. All pending applications in both suits are also disposed of.

Judge

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