

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1620 of 2019

Order with signature of Judge

Before: **Mohammad Ali Mazhar and Agha Faisal, JJ.**

- 1. For orders on Misc. No.7354 of 2019*
- 2. For hearing of main case*

12.03.2019

Mr. Latifur Rahman Khan, Advocate for petitioner alongwith
Mr. Azizur Rahman Khan, Advocate.
Mr. Mohammad Jawad Dero, Additional Advocate General
Sindh.

Mohammad Ali Mazhar J.,- Case of the petitioner is that on 05.04.2018 SMA No.733 of 2017 was allowed by the Illrd Additional District Judge, Karachi South. On one hand the learned Additional District Judge passed the order that the legal heirs should receive their share in the amount lying in the account and allowed to operate the locker but on the other hand while passing the directions to execute indemnity bond before Nazir of the Court, the Nazir was also directed to receive the said amount and distribute amongst the legal heirs according to their respective shares. Learned counsel submits that the account was being maintained in foreign currency and when they approached the Nazir to withdraw the amount, the Nazir gave the statement that he has no foreign exchange account therefore the matter is pending. In this regard an application under section 151 CPC has been moved to the Illrd Additional District Judge, Karachi South and the learned counsel argued that since August, 2018 the said application is pending adjudication. The learned counsel requests that some directions may be issued to the learned Additional District Judge, to decide the application.

Mr. Jawad Dero, Additional Advocate General waives notice of this petition copy has been supplied to him.

The petition is disposed of with the directions to the learned IIIrd Additional District Judge, Karachi South to decide the pending application of the petitioner in SMA No.733 of 2017 within one month.

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