

Order Sheet

IN THE HIGH COURT OF SINDH, KARACHI

SUIT NO.1571/2012 alongwith
SUITS NO.1041, 1493 OF 2011 &

Date	Order with signature of Judge
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FOR HEARING OF OFFICIAL ASSIGNEE`S REFERENCE
NO.10/2019

26.04.2019

Mirza Atif Shujaat Baig advocate for plaintiff in
SuitNo.1493/2011
Mr. Talat A. Aslam advocate for defendants No.1,2,4,5,6&7
Mr. Abid Hussain advocate for auction purchaser
Chaudhry Waseem Iqbal Official Assignee

Through the listed Reference, learned Official Assignee prays
as under :-

- i) That the Hon'ble Court may graciously be pleased to direct the K-Electric to restore the electricity pending the appeal since there is no stay or direction operating against the ex-owners, however, the Official Assignee may withhold the amount of Rs.10,73,113/- from the sale proceeds on account of disputed claim of K-Electric.
- ii) That permission may be accorded to distribute the amount of sale proceeds became available after payment / retaining the K-Electric's claim amongst the legal heirs as per their respective shares.

Learned counsel appearing for the defendants No.1,2,4,5,6&7 has no objection if the Official Assignee`s Reference No.10/2019 is granted but in terms of Para 3 of the reference as the aforesaid defendants / legal heirs are ready to pay 50% amount i.e. Rs.5,36,557/= to K-Electric against total outstanding amount of Rs.10,73,113/=, for which K-Electric has also given consent through their letter 12.02.2019 (Annexure "A/7" to listed reference). On this proposal, the K-Electric after payment of the said amount will issue NOC and restore the electricity of the subject property.

Let in the circumstances, 50% amount of Rs.5,36,557/- against the total claim of Rs.1,073,113/- as agreed between the K-Electric and the parties, be paid to the K-Electric towards full and final settlement in

respect of its total outstanding amount. Thereafter, the Official Assignee may distribute the sale proceeds amongst the legal heirs. Official Assignee Reference No.10/2019 dated 15.03.2019 is disposed of in the above terms.

Learned counsel for the plaintiff in connected Suit No.1493/2011 submits that his suit has nothing to do with Suit No.1571/2012 and 1041/2011 and, as such, his suit may be de-tagged with the said two suits. Learned counsel for the other parties have extended their no objection. Accordingly, office is directed to de-tag Suit No.1493/2011 from the Suit No.1571/2012 and 1041/2011 and fix the same on any other date.

MUSHARRAF ALI P.A

JUDGE