

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
SUIT NO.645/2018

Date	Order with signature of Judge
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FOR HEARING OF CMA.4884/2018

30.04.2019

Mr. M. Nauman Jamali advocate for plaintiff  
Mr. Ashfaq Ahmed advocate / associates of  
Mr. M. Ali Lakhani advocate for defendants No.2,3 & 4  
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Learned counsel appearing on behalf of the plaintiffs submits that in this matter defendant No.1, despite service notices including publication in daily "Jang" and "The News" Karachi dated 15.04.2019 respectively, has failed to appear and contest the matter. The defendants No.2 to 4 have filed their written statements wherein they have not disputed the facts, mentioned in the plaint.

From the record, it appears that the present suit has been instituted, *inter se*, between the legal heirs of deceased namely, Hafiz Abdul Jalil (died on 31.12.2008) for Administration & Permanent Injunction. The associate of learned counsel for the defendants No.2, 3 & 4 also extends his no objection to grant of listed application. Since there appears no dispute no dispute over the suit property of the instant proceedings and so also upon the legal heirs, therefore, there is no impediment to grant the listed application for preliminary decree. Accordingly, preliminary decree under Order XX Rule 13 of CPC is passed in this matter and Nazir of this Court is appointed as Administrator to take further proceedings as per law. Parties are at liberty to file their claims, if any, before the learned Administrator. The fee of Nazir shall be as per rules. Office is directed to prepare preliminary decree.

CMA No.4884 of 2018 is disposed of in the above terms.

JUDGE