

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 1049 of 2017

Order with signature of Judge(s)

- For hearing of CMA No.7798/2018

17.08.2018

M/s. Rehman Aziz Malik and Malik Muhammad Asghar,
Advocates for the plaintiffs

Through instant application a prayer has been made for the appointment of Nazir of this Court as Commissioner to (1) mutate the suit property in the name of all the legal heirs in the records of the concerned authorities i.e. MEO, CBC and DHA and (2) to evaluate the present market price of the suit property and thereafter to sell the suit property at highest price. This application is moved on 14.05.2018 and no counter/objection has been filed. At this juncture, learned counsel draws Court's attention to Paragraph-9 of the Written Statement filed by the Defendant No.1, who is sister of the plaintiffs and in occupation of the suit property, wherefrom it could be seen that the Defendant No.1 has agreed to have the property sold through public auction as she fears that the plaintiffs might bring certain offers which would be lesser than the market value of the property. Admittedly, the property is belonging to deceased Mst. Qamar Jehan Begum and SMA bearing No.269 of 2016 filed, per counsel, has been granted in favour of all legal heirs.

In the light of above facts where Defendant No.1 who is in occupation of the suit property has shown consent to property having been sold through public auction and this application seeking the same outcome is allowed. Accordingly, Nazir of this Court is appointed to act as Commissioner to (1) mutate the property in the name of all the legal heirs in the records of the concerned authorities mentioned above, (2) to get the latest market price of the property in question from three reputable estate agents, and (3) to advertise the fact of the

sale of the property through newspapers and other means and (4) to sell the same in accordance with law through public auction only, at which juncture the legal heirs would have first right to buy the said property or to match the highest bid received.

This exercise be completed within two (02) months from today and the cost and dues incurred/paid to be equitably shared by the parties to the suit, which would be deducted from the sale proceeds.

JUDGE

Barkat Ali, PA