

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**SMA No. 109 of 2014**

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Order with signature of Judge(s)

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1. For orders on CMA No.141/2018
2. For orders on Nazir Report dated 11.08.2018

**28.08.2018**

Mr. Adnan Hanif, Advocate for the Petitioner

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Through the instant application return of surety documents deposited with the Nazir in compliance of this Court's order dated 23.01.2015 is sought. Nazir has submitted his report stating that original title documents of properties being **(a)** Form 'B' Lease in respect to House No.112, 33<sup>rd</sup> Street, Phase-VI, DHA Karachi, measuring 600 square yards, **(b)** Allotment Order dated 06.01.2014 in respect to Plot No.14, Street No.20, Gulzar-e-Sir Syed Housing Scheme, Jhang Bhattar Road, Tehsil Fateh Jang, District Attock, measuring 253 square yards and **(c)** Allotment Order dated 29.11.2007 in respect of Plot No.212, Shaheen Housing Complex, Peshawar, measuring 500 square yards have been deposited with the Nazir. Learned counsel for the Petitioner submits that properties (a) and (c) have been mutated in the names of all the legal heirs, while property (b) located in Attock has only been mutated in the name of one legal heir namely Ahmed Waheed. He states that the Cooperative Housing Society in which the said plot is situated by way of policy only transfers plot in the name of one person. A letter issued by the said housing society dated 08.10.2015 is attached in proof thereof. I am unable to understand the rationale behind this policy of the said society as such policy neither finds supports from any law nor is consistent with Sharia.

Let Nazir communicate with the said Society to ensure that the property stands mutated in the name of all the legal heirs. Cost of Rs.15,000/- in this regard be paid to the Nazir. While this exercise is anticipated to be completed within 30 days, I allow request of returning documents of property (a) as well as (c), which have already been mutated in the names of all the legal heirs. Nazir is directed to return original title documents of property (a) and (c) to the Petitioner after proper identification and following the codal formalities.

JUDGE