ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 676 of 2018

_____ _____
Order with signature of Judge(s)

- For hearing of CMA No.5616/2018

30.08.2018

Mr. SM Jehangeer Akhtar, Advocate for the plaintiffs
Syed Najmul Hasan, Advocate for Defendant No.1

Learned counsel for Defendant No.1 is present (who has filed his counter in the office, which as yet has not been placed on the file), however a copy whereof is provided to the counsel for the plaintiffs as well as the Court, which in material part raises objections by making an assertion that the Defendant Nos.1 and 2 have made certain expenditures on the agricultural lands subject matter of the instant suit, which interests to be considered. Learned counsel for the plaintiffs choses not to file a rejoinder and proceeded with the mater. This suit was originally filed as an SMA, where estate of the deceased Ch. Ahmed Hussain Khan was sought to be divided amongst the legal heirs as per sharia as per Family Registration Certificate attached on Page-19, however when posed by objection by two brother namely Ch. Muhammad Yaqoob Khan and Shamoon Bahadar Khan it was converted into a suit.

When posed with the question as to what objection(s) does these defendants have in dividing the property and distributing the same amongst the legal heirs in accordance with Sharia, the learned counsel raised no substantial objections. In these mitigating circumstances, the application is allowed to the extent that the suit property described in Para-I(a) of the instant application be partitioned and divided in accordance with sharia by the Nazir of this Court and if partition is not possible have the properties sold by public auction and have the sale proceeds divided amongst the legal heirs in accordance with Sharia.

In order to facilitate this exercise the original title documents present with the plaintiffs be handed over to the Nazir of this Court. Nazir to do the needful within one month's time and file his report. With regards movable properties, learned counsel for the plaintiffs does not press Para-1(b) of this application, which para is dismissed as not pressed.

JUDGE

Barkat Ali, PA