

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Suit No. 1698 of 2009**

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Order with signature of Judge(s)

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1. For orders on Nazir Report dated 23.04.2018
2. For orders on CMA No.6293/2018
3. For hearing of CMA No.5661/2018

**10.09.2018**

Plaintiff Fazal Ahmed is present in person  
Ms. Naila Kausar Shaikh, Advocate for applicant/tenants

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Nazir report dated 23.04.2018 is taken on record, which suggests that while Nazir was directed to sell the property thought this Court's order dated 02.11.2011 as the Court was pleased to preliminary decree the suit under Order XX Rule 13 CPC and envisaged that the share be divided amongst the legal heirs within 45 days, however, Nazir writes that the sale could not be materialized on account of unavailability of the title documents. Defendant No.6 Amna Sattar is present and states that she has the original title documents. She is directed to deposit the title documents to the Nazir within one week. Upon having received those documents, Nazir is directed to place the property for sale through public auction as per the procedure prescribed and the cost would be shared amongst all legal heirs and deducted from their respective shares at *pro rata* basis.

The Plaintiff present in person states that public auction may result in fetching lesser than the market price of the property and he prefers that the property be sold by private sale, to alley his fear that the property may be sold at lesser than the market prices, Nazir will ensure to get appropriate quotes from the market estate agents, as well as all the legal heirs would be at liberty to purchase the property at the going rate. The legal heirs will have the first

right to meet the highest bid. Nazir is directed to complete this exercise within four weeks after the receipt of the title documents.

Court has been informed that the certain shops at the ground floor have been rented out and the rents are deposited in MRCs. Be that as it may, the sale of the property should not be prejudiced by any dispute between the landlord and tenants and if the tenants wish to buy the entire property they should also be at liberty to place their bids.

Nazir to submit his report after 30 days.

JUDGE