

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 203 of 2017

Order with signature of Judge(s)

1. For orders on CMA No.1590/2018
2. For orders on CMA No.1591/2018

07.09.2018

Dr. Rana Khan, Advocate for the Petitioner

1. Urgency granted.
2. Through the instant application permission is sought from this Court that the property which has been duly mutated in the name of all the legal heirs be permitted to be sold. No relevant provision of law is cited in the instant application, nor there is any requirement that once the property stands mutated, permission from this Court to sell the same is needed. The application is misconceived, as well as, the counsel has chosen to bring the legal heirs, of them one is 85 years old lady, for which there was no need. Through this Court order dated 17.08.2018 such act of the counsel was taken into consideration and her Associate was advised not to bring the legal heirs in Court when her application for return of surety was being heard as it was observed that the old age legal heirs were feeling discomfort in the Court room.

In the circumstances at hand, this application is dismissed as misconceived. However, since Petitioner and other legal heirs in whose names the subject property is duly mutated are facing questions from the concerned registrar, let it be clarified that no such requirement of clearance from this Court as an outcome of this SMA is needed for the sale of the property mutated through instant SMA. Custodian of record of rights are directed to act strictly in accordance with law.

For the act of the counsel to bring all legal heirs in the Court once again and discomforting old age citizens despite warning, a cost of Rs.10,000/- (Rupees Ten Thousand) is imposed on her, which shall be paid in the account of Diemer Basha And Mohmand Dam Fund set up by the Hon'ble Supreme Court of Pakistan within seven days. Office to report compliance.

JUDGE