

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 1623 of 2015

Order with signature of Judge(s)

1. For orders on CMA No.1176/2017
2. For hearing of CMA No.9597/2017
3. For ex-parte orders against Defendant

24.09.2018

Mr. Ghulam Abbas Soomro, Advocate for the plaintiffs
Mr. Tariq Hussain, husband of Defendant No.1(iv) is present

Mr. Tariq Hussain appears on behalf of Defendant No.5(iv)-Rafia Bano and states that he is her husband. This suit is sequel to earlier Suit bearing No.435 of 2006, where the suit was decreed and the ancestral property bearing No.SR-9/55/B-21, measuring 218 square yards was ordered to be auctioned and proceeds thereof be distributed amongst the legal heirs. Mr. Tariq Hussain on behalf of other defendants says that they have no objection if the property is sold by way of public auction and the shares be distributed amongst the legal heirs in accordance with Sharia.

In the circumstances at hand, the application bearing CMA No.5596 of 2017 is allowed. Official Assignee is appointed to sell the subject property through public auction, as the building is monolithic in nature and could not be divided into equal parts. The original title documents of the property are already lying with the Nazir of this Court. The Official Assignee's cost would be Rs.80,000/- payable as per *pro rata* share of the legal heirs. Let report in this regard be filed within three weeks. Legal heirs would be at liberty to bring buyers as well as match the highest bid by way of first right.

JUDGE