

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SUIT NO.240/1971

Order with signature of Judge(s)

1. For hearing of CMA No.16697/2019 [U/O 1 Rule 10(1)]
2. For hearing of CMA No. 19745/2021 [U/S 151 CPC]
3. For orders on CMA No.18886/2021 [U/O 1 Rule 10(2)]
4. For Final Arguments
5. For orders on CMA No.21927/2021 [U/R 1 Rule 10]

15.12.2021

Khawaja Shamsul Islam, Advocate for the plaintiff
Mr. Salman Talibuddin, Advocate General Sindh
Mr. Yawar Farroqui, Advocate for the defendant No.8 a/w
Mr. Asad Ali, Advocate
Mr. Mr. Saad Siddiqui, Advocate holding brief for
Mr. Fasail Siddiqui, Advocate for applicant/ intervenor
Mr. Umer Memon, Advocate for applicant/intervenors
Mr. Abid Hussain, Advocate for applicant/intervenors
Mr. Irshad Sodhor, Deputy Commissioner South alongwith Zahid
Abbas Akhund, Director Culture, Tourism, Antiquities Archives
Department, Government of Sindh
Mr. Imran Hassan Addl. Director Land KMC
Mr. Athar Hussain, Dy. Director Land Saddar-II KMC

1,2&3. Counsel need to satisfy how these applications can be entertained at the stage of Final Hearing when the suit is heading towards final judgment/decree per order passed in HCA No.206 of 2021?

Court has been informed that Division Bench of this Court in High Court Appeals No.206/2021 has passed orders on this Court's order dated 29.09.2021 with regards the name of the property and possession thereof, and has given four weeks for the final judgment.

The Deputy Commissioner South has brought original Record of Rights to show that out of the four properties, the properties bearing No.8-A and 7-A are in the name of Mohtarma Fatima Jinnah. However, the properties bearing Nos.7 & 8 through order made on 10.11.1977 were transferred in the name of Mohtarma Shireen Jinnah in compliance of this Court's order dated 23.12.1976; review of the said order does not show that any such direction was given in the said order, nonetheless the said

order was *set aside* in HCA No.54 of 1976 in the case reported as PLD 1985 Karachi 365 (Amir Ali v. Gul Shaker and others), which seemingly has skipped the attention of the competent authority.

Be that as it may, the fact remains that when this suit was filed in 1971, all four plots were in the name of Mohtarma Fatima Jinnah. Learned Advocate General requests a short date to place orders and case law to show that ingredient of "Sale by Court" orders have been met. The matter being heard in final hearings, where a deadline has already been given to this Court to conclude the matter by final Judgment, adjourned to 23.12.2021 at 09.00 a.m.

JUDGE

Musharaf Ali/ B-K Soomro