

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
H.C.A. No.40 of 2021

Date	Order with signature of Judge
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Present
Mr. Justice Muhammad Ali Mazhar
Mr. Justice Amjad Ali Sahito

Adnan Aziz Ahmed.....Appellant

Versus

Rakil Ahmed Zaman & others.....Respondents

10.03.2021

Khawja Shoaib Mansoor, Advocate for the Appellant.
Mr. M. Noman Jamali, Advocate for Respondent No.6.

Muhammad Ali Mazhar, J: The present appeal has been filed against the order dated 02.02.2021 passed by the learned single Judge in Suit No.1489/2007. The order shows that some interlocutory applications were disposed of through this order. The learned counsel for the appellant impugned the order on the findings rendered on the interlocutory applications listed at Sr. Nos.2 and 5. Mr. M. Noman Jamali, Advocate appeared on behalf of respondent No.6 on the strength of notice issued under Order 43 Rule 3 CPC. The bare look of the impugned order shows that it was passed by consent of the parties to deposit the original documents of the property located at Karachi with the Nazir of this court and some price was also quoted in the order to be treated as the reserve price of the property. The option was also given to the parties to bring a buyer within 45 days failing which the Nazir may draw up a sale proclamation with consent of the counsel and give them estimate of expenses. Ultimately the Nazir was allowed to invite the bids by public sale with the option to the parties to

participate in the bidding process. So far as the order passed on Sr. Nos.1 and 4, the learned counsel for the appellant argued that in the Islamabad property the court observed that the share of the plaintiff is intact in the record of rights but he argued that according to the record of rights the share of the plaintiff is more than 25% but in actual he claims his share more than 25%. All these aspects in our view can be placed before the learned single Judge in the suit and at this stage this controversy cannot be decided unless evidence is led. We do not find any justifiable reason to cause interference in the impugned order. However, after arguing at some length, the learned counsel for the appellant submits that he will move proper application in the trial court and does not want to press this appeal. The appeal is disposed of in the above terms alongwith listed applications.

Judge

Judge

Asif