

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
H.C.A. No.140 of 2022

---

Date	Order with signature of Judge
------	-------------------------------

---

1. For orders on CMA No.1056/2022
2. For orders on office objection.
3. For orders on CMA No.1057/2022
4. For hearing of main case.
5. For orders on CMA No.1058/2022

**15-04-2022**

Mr. Usman Farooq, Advocate for the Appellant.

----

1. Urgency granted.

2 to 5. After hearing the learned counsel for the appellant at some length and from the perusal of the impugned order dated 01.04.2022 it appears that the impugned order has been passed in consonance to order dated 24.11.2021 already passed by the learned Single Judge, whereby, Nazir of this Court was appointed as Receiver of the subject property, and thereafter, Nazir has proceeded to estimate the rent viz Rs.112,000/-, whereas, through impugned order appellant has been directed to deposit the amount of rent with effect from 24.11.2021, therefore, the impugned order does not give rise to any cause of action particularly, when no appeal has been filed against the order dated 24.11.2021, which confronted to satisfy the Court as to maintainability of instant High Court Appeal. Learned counsel for the appellant submits that the appellant is willing to secure the amount of balance sale consideration and has filed an application seeking permission of the Court in this regard, however, no order has been passed thereon. It has, however, been solicited that the appellant is willing to deposit the amount as estimated by the Nazir of this Court, however, subject to all just exceptions and the outcome of the

review application filed by the appellant against the order dated 24.11.2021, provided one week's time may be granted to the appellant to deposit the said amount and till then, Nazir may be directed not to take over possession of subject property.

Learned counsel for the appellant submits that the appellant will not press instant appeal if one week's time is granted to deposit the amount as estimated as rent by the Nazir of this Court.

The appellant may deposit the amount of rent as estimated by the Nazir of this Court in pursuance of the order dated 24.11.2021 and the impugned order dated 01.04.2022 within 07 days before the Nazir of this Court and subject to deposit the said amount, the Nazir may not dispossess the appellant from subject property. However, it is clarified that if the amount is not deposited within 07 days, the Nazir shall ensure compliance of the Court's order as referred to hereinabove in letter and spirit.

The appeal stand disposed of in the above terms along with listed applications.

Judge

Judge

nasir