ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

SUIT NOS. 2221 AND 2551 OF 2014

Data Order with signature of Judge

Date Order with signature of Judge

16.11.2021

Mr. Hidayatullah Mangrio advocate for plaintiff.

Mr. Basil Nabil advocate for defendant.

.....

Associate of Raja Qasit Nawaz seeks time. Mr. Ali Turabi associate of Mr. Moin Azhar Siddiqui contends that since they have been superseded hence their name may be scored of from the file. Order accordingly.

Mr. Hidayatulah Mangrio who filed this suit and caused his appearance on various dates, contends that this matter is to be proceeded by Mr. Abid S. Zuberi whereas not on a single date Mr. Zuberi appeared in this case.

At this juncture learned counsel for defendant has referred prayer clause of the suit which is that :-

- A. To restrain the Defendant to create any third party interest over land measuring about 207 Kanal and 15 Marlas, situated at Mouza Sulkheetar, Chattar Park, Adjacent Sanam Gardens, Tehsil Murree, District Rawalpindi.
- B. To direct the Defendant to hand over the 52.36 % possession of land measuring 207 kanal and 15 marlas to the Plaintiff as his share in subject property.
- C. To appoint the Nazir of the Honorable Court of Sindh at Karachi as receiver of property bearing "land measuring about 207 Kanal and 15 Marlas, situated at Mouza Sulkheetar, Chattar Park, Adjacent Sanam Gardens, Tehsil Murree, District Rawalpindi" and direct the Nazir to take possession of suit property
- D. Direct the Defendant to pay a sum of Rs.76,144,530/- to the Plaintiff or the market

value at the time of realization being 52.36% share value in suit property. As well as a sum of Rs.50,000,000/- on account of mantel torture to the plaintiff due to action of the defendant. In total in sum of Rs.12,61,44,530/-

- E. Cost of the suit.
- F. Any other relief that this Honorable Court may deem fit and proper in the circumstances of the case be granted.

He further contends that his court has no jurisdiction to entertain present suit as property is situated out of territorial jurisdiction. He has referred 2016 YLR 157. Accordingly, learned counsel for plaintiff shall satisfy maintainability of this suit.

To come up on 23.11.2021. Interim orders to continue till next date.

JUDGE

IK