

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Civil Revision No. S – 83 of 2021

Date of hearing	Order with signature of Judge
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Hearing of case (priority)

1. For orders on CMA No.720/2021 (Ex.)
2. For hearing of main case
3. For hearing of CMA No.721/2021 (Stay)

04-10-2021

Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh.

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Mr. Muhammad Nasir Malik, Counsel, has filed *vakalatnama* on behalf of the applicant superseding the earlier Counsel, whereas, *vakalatnama* has also been filed on behalf of respondent No.1 by Mr. Abdul Basit Shaikh, Counsel.

It appears that in this matter a compromise decree was entered into by the parties in the following terms:

- “1/- *That the plaintiff has taken special Oath on Holy Quran in a Mosque in respect of his outstanding amount of Rs.80,00,000/- (Eighty lacs) on account of supplying the Gold of the said amount to the defendant.*
- 2/- *That the defendant has undertaken to pay the said amount to the plaintiff Rs.1,00,000/- (One lac on or before 15-11-2017 every month till realization of the said amount.*
- 3/- *That the plaintiff will be entitled to recover the said amount in case of non-payment of any installment within stipulated period by filing Execution Application.”*

Admittedly, the applicant defaulted, and in execution proceedings, his property was attached. On 17-09-2021, an order was passed directing the applicant to deposit the amount of Rs.4.5 million which was due as per the compromise decree till such date. The said amount has been deposited. In essence, this Civil Revision has served its purpose,

however, respondent's Counsel submits that the applicant is a defaulter, and therefore, the property shall remain attached. However, his contention does not appear to be correct as it goes beyond the decree by itself which cannot be done either by the Executing Court or by this Court. While confronted, the applicant's Counsel has also undertaken that installments would be deposited / paid regularly as per the compromise decree.

In view of such position, this Civil Revision Application has served its purpose and is accordingly **disposed of**, whereas, the amount lying with the Additional Registrar of this Court shall be released to respondent No.1 upon proper identification and verification. Since the amount due stands deposited / paid by the applicant; therefore, the attachment order passed by the Executing Court stands withdrawn / recalled.

Abdul Basit

J U D G E