

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

IInd Appeal No.S-14 of 2012

DATE

ORDER WITH SIGNATURE OF JUDGE

07.10.2019

Mr. Arbab Ali Hakro, advocate for appellants

Mr. Muhammad Arshad S. Pathan, advocate for respondent No.1

Mr. Habib-ur-Rehman Jamali, AAG

Learned counsel for the respondent No.1 files statement alongwith copies and provides a copy thereof to the other side. However, both the learned counsels agree that in case the decree in specific performance is varied to the extent of balance price to be paid on the market rate of registered value as of today when the matter is being concluded, they will be satisfied.

Learned counsel for the respondent No.1, however, contends that substantial portion was paid by the respondent as part payment as follows:

Total area agreed to be sold 03 acres 04 ghuntaz against the agreed price of Rs.8,25,000/-.

Paid amount was Rs.3,75,000/- which corresponding to 01 acre 14 ghuntaz accordingly as such the amount admittedly paid is liable to be adjusted for the corresponding areas and enhancement of price to be construed only for the balance area and for the area not paid for.

Accordingly matter is concluded with the order of this Court that the decree present in the matter is disturbed only to the extent of balance amount and the balance land other than 1-14 ghuntaz for which the price has already been received and that the balance price shall be in accordance with the register prevailed value of this financial year. The executing Court shall determine the availability of land in accordance with law and the price accordingly which shall be paid within 90 days of such determination without fail on part of the respondent. In case, however, the same is not paid the respondent No.1 shall only be entitled to 1-14 ghuntaz of land and no more.

This appeal stands disposed of accordingly.

Sd/- MEHMOOD A KHAN,
JUDGE

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