## ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

## SUIT NO.2067/2019

Date	Order with signature of Judge

For hearing of CMA No.17050/2019. s

## 14.12.2021

Mr. Zahid Hussain advocate for plaintiffs. Ms. Aliza Khan advocate for defendants.

Dispute is with regard to two properties as described in

. . . . . . . . . . . . . . . . .

paragraph No.2 which is that :-

"That he said deceased Ghulam Muhammad Qureshi son of Haji Naimatullah was the sole / absolute owner of immovable properties i.e.

(i). House No.B/27, situated at Block N, North Nazimabad, Karachi, admeasuring 400 square yards, consisting of ground plus first floor.

(ii). Flat No.3/1, situated at 3<sup>rd</sup> floor, in Panadas Thakurdas Building, constructed on Plot No.AM-4/99, III-B, 119-3/1, Artillery Maidan, Karachi."

2. AS per defendants there was settlement and by settlement one property was sold out while proceeds were distributed among the legal heirs. Whereas another property which is a House, all parties are agreed for disposal however counsel for defendants contends that prayer of mesne profit may not be awarded.

3. Needless to mention that in joint property mesne profit cannot be allowed. Accordingly with consent this suit is disposed of with direction to Nazir that he shall auction House No.B/27, Block N, admeasuring 450 square yards, North Nazimabad, Karachi. Legal heirs would be at liberty to bring any purchaser from open market and in alternative auction proceedings shall be undertaken; all expenses incurred on this exercise shall be deducted from the sale proceeds and sale proceeds shall be distributed among all legal heirs accordingly.

JUDGE

IK