

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 809 of 2020

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Date

Order with Signature of the Judge

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1, For orders on CMA No. 3435/2023  
2, For orders on CMA No. 3436/2023

**2<sup>nd</sup> March 2023.**

Mr. Khawaja Shoaib Mansoor, Advocate for plaintiff

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1. Urgency granted.
  
2. Learned counsel for the plaintiff is in attendance, who is appearing for all the plaintiffs along with defendant Mehmood Shuja Baig. The suit was compromised in term of application i.e. CMA No. 9039/2022. The controversy at this stage is a locker, whose keys are missing, which was operated by the deceased Arifa Shuja Baig and inventory is required to be prepared and the only discrepancy is that in the compromise application it was agreed that the locker shall be opened and inventory be prepared.

It is claimed that since the compromise terms does not talk about break opening the locker, the object would remain unachieved. I have heard Mr. Khawaja Shoaib Mansoor Advocate for plaintiff as well as the defendant. Break opening the locker does not mean that locker will not be functional later. In a situation where keys are lost, Vaults do have a mechanism to continue locker's operation, after its opening by any means. It will then be operational with altered/substituted key, later. The Nazir shall ensure that Manager of the Vault shall make arrangement that the locker would continue to be operated jointly by the plaintiffs and defendants till further orders and if any permission is acquired, Manager may obtain at the earlier under an order of this Court.

Once the inventory is prepared on the opening of locker, in presence of Nazir and Manager of Vault, plaintiffs and/or their representative and

defendants, the contents shall be put back in the locker, which would then remain under the joint operation of plaintiffs and defendants till further orders as desired above. Unless this is ensured by the Manager of the Vault, the locker will not be opened. The contents of the inventory will not be handed over to the Nazir under any circumstances. Once the Manager ensured the operation of the locker as above, the inventory shall be prepared and the exercise of assessing worth of jewelry be also carried out, for enforcement of compromise decree.

\*Aamir/PS\*

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