

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

J.C.M. No. 01 of 1989

J.C.M. No. 74 of 1989

Date	Order with Signature of the Judge
	1. For hearing of CMA No.47/1992.
	2. For hearing of Enquiry Report dated 13.05.2006.
	3. For hearing of CMA No.462/2006.
	4. For hearing of CMA No.230/2010.
	5. For hearing of CMA No.231/2010.
	6. For hearing of CMA No.198/2013.
	7. For hearing of CMA No.104/2013.
	8. For hearing of Official Assignee's Reference No.137/2018.
	9. For hearing of Official Assignee's Reference No.138/2018.
	10. For hearing of CMA No.220/2018.
	11. For orders on CMA No.268/2018.
	12. For hearing of Official Assignee's Reference No.142/2020.
	13. For orders on Official Assignee's Reference No.144/2020.
	14. For hearing of CMA No.243/2020.
	15. For hearing of CMA No.244/2020.
	16. For orders on Official Assignee's Reference No.147/2021.
	17. For orders on Official Assignee's Reference No.148/2021.
	18. For orders as to Non-Prosecution on CMA No.343/2021.
	19. For hearing of CMA No.80/2022.
	20. For orders on CMA No.125/2022.
	21. For orders on CMA No.265/2022.
	22. For orders on CMA No.951/2022.
	23. For orders on Official Assignee's Reference No.152/2022.
	24. For hearing of CMA No.2566/2022.
	25. For orders on Official Assignee's Reference No.155/2022.
	26. For hearing of Official Assignee's Reference No.156/2022.
	27. For orders on Official Assignee's Reference No.157/2022.
	28. For orders on CMA No.2945/2022.
	29. For orders on Official Assignee's Reference No.158/2022.

14th February 2023.

Mr. Muhammad Umar Lakhani, Advocate
Mr. Ziyad Khan Abbasi, Advocate
Mr. Tariq Bashir, Advocate
Mr. Faheem Zia, Advocate
Mr. Aman Aftab, Advocate
Syed Mureed Ali Shah, Advocate
Mr. Abdul Khalil, Advocate
Official Assignee Choudhry Waseem Iqbal
Respondent No.3 Muhammad Tayyab present in person.

Sr. 28, CMA No. 2945/2022.

This is an application under section 151 CPC filed by objector, purportedly holding Power of Attorney on behalf of Muhammad Tayyab, claiming himself to be partner/proprietor of T.J. Ebrahim & Co. This objector has earlier attempted to object to the auction proceedings in

relation to the property bearing B-20, A-Site, measuring 1-0 Acre (hereinafter referred to as the subject property).

The case of the objector is that one Muhammad Tayyab executed registered Power of Attorney on 17.08.1998 coupled with agreement of sale dated 16.08.1998 in his favour. In consideration of the defence, the Official Assignee has filed his reply that it was one of the assets of firm T.J. Ebrahim and after detailed discussion and deliberation on the strength of admission of Muhammad Tayyab that the property was purchased out of the funds of T.J. Ebrahim & Co. and in view of taking over possession of this property by the Official Assignee on 17.02.1990, the application/objection was dismissed earlier vide order dated 25.08.2022 followed by reasons dated 24.10.2022.

The same objector has now again moved this application that since order dated 25.08.2022 and the reasons dated 24.10.2022 have been challenged before Hon'ble Supreme Court, therefore, further action may not be taken.

I am afraid pendency of lis before Hon'ble Supreme Court is no ground to stay auction proceedings being conducted under the orders of this Court unless an order is provided in this regard. The claims of about 50,000 investors are yet to be settled and the poor investors are waiting for their piecemeal settlement since years. Unless the objector places the order of Hon'ble Supreme Court restraining auction proceedings, being conducted by the learned Official Assignee, the process cannot be interfered with on an application by the same objector. Instant application as such is dismissed.

Sr. No. 24, CMA No.2566/2022.

Respondent No.3, Muhammad Tayyab does not press this application, which is dismissed as not pressed.

Sr. No.26 & 27 - Official Assignee's References No.156 & 157 of 2022

These are two References in relation to the subject property, which was put to auction by orders of this Court and the learned Official Assignee got the subject property evaluated as Rs.260 Million (26 Crores). As against this evaluation being a tentative market value, the applicant Abdul Hafiz son of Abdul Aziz Muhammad initially made offer of Rs.270 Million (27 Crores), however, during the proceedings of the case he enhanced it to Rs.280 Million (28 Crores), which is acceptable to the learned Official Assignee as well as Muhammad Tayyab, claiming himself to be partner/director of T.J. Ebrahim & Co.

Since no better offer is available despite sale proclamation, I do not find any reason to delay it further and interfere in the offer, which is acceptable to learned Official Assignee as well. The offer as such is accepted. Let balance sale consideration be deposited in 15 days' time by the applicant with learned Official Assignee and report in this regard be filed by the learned Official Assignee so that appropriate orders for issuance of sale certificate be then passed accordingly.

With the above observation, these Official Assignee References No.156 and 157 of 2022 are disposed of.

J U D G E