

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

C.P. No.D-6755 of 2020

Jehanzaib Hassan
Versus
Mst. Raeesa Bano & others

Date	Order with signature of Judge
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1. For hearing of CMA 28848/20
2. For hearing of main case.

Dated: 25.10.2023

Mr. Saadat Hassan for petitioner.
Mr. Shuja uddin for respondents.

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Heard the counsels.

In a suit for partition, the property was ordered to be auctioned to distribute the proceeds amongst the legal heirs according to their respective shares. The said order dated 07.12.2019 was impugned by the petitioner in Civil Revision Application No.12 of 2020. Paragraphs 5 and 6 of the impugned order are material to understand the controversy, which are reproduced as under:-

“5. I have heard the arguments and have gone through record placed before me. The impugned order states that concerned Mukhtiarkar had shown the value of three properties of parties to be more than Rs.14,000,000/- offered by applicant/defendant No.5 for purchase of those properties and during hearing to this revision counsel for appellant has submitted that applicant is even ready to purchase properties value shown by the Mukhtiarkar.

6. In the above circumstances, this revision application is disposed of with the direction that relevant properties shall be sold to applicant if his offer of purchase on value of properties shown by Mukhtiarkar is voluntary accepted by the remaining co-sharers/legal heirs and public auction of properties then shall be stopped, if, however, remaining co-sharers/legal heirs in the properties do not accept such offer then public auction of properties shall be held as directed by the executing Court wherein appellant shall have preferential right to purchase properties at the

highest bid offered by any outsider as provided in section order 21(88) of CPC.”

Petitioner's counsel has not urged any ground which could enable us to deviate from the findings and reasoning reached by the two forums below i.e. the original Court where suit for partition is pending as well as the revisional Court where order of the original Court was impugned and maintained. It was categorically observed in the impugned order that in case all other legal heirs would agree to accept the offer of the petitioner, it may be acted upon failing whereof if any of the co-sharer or legal heir would object to it, it may be auctioned as directed by the Senior Civil Judge on 07.12.2019, with the preferential right of refusal to the petitioner to match the highest offer so received during auction. We may observe that such proceedings are only to have the maximum possible price of the property for its distribution amongst the co-owners which cannot be avoided. The petition as such merits no consideration and is hereby dismissed along with listed application with a cost of Rs.15,000/- to be deposited with the High Court Clinic in a fortnight.

Judge

Judge