

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

H.C.A. No.316 of 2023

Nadeem Ali

Versus

Mst. Sanober Asif & others

Date	Order with signature of Judge
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1. For orders on office objection/reply at "A"
2. For orders on CMA 3814/23
3. For hearing of main case
4. For orders on CMA 3815/23

**Dated: 26.10.2023**

Mr. S. Nadeem-ul-Haque for appellant.

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This appeal impugns the order of 18.08.2023 whereby Nazir was directed to proceed further in the matter in relation to the auction of the property. It is claimed at the first instance that an attempt should have been made to divide the property. There are four owners of the property and apparently this property is constructed on a plot of 423 sq. yards and hence not divisible in terms of Regulations 18-1.3.1 onwards of Karachi Building & Town Planning Regulations, 2002, hence no interference in the order impugned is required. Even otherwise auction of the property could always be subject to the orders of the Court, safeguarding the rights of all co-sharers/legal heirs. Insofar as additional grounds raised by the appellant in claiming title of the property as being benami is concerned, nothing could be done in the proceedings arising out of a suit for administration. Instant High Court Appeal is accordingly dismissed along with listed applications.

**Judge**

**Judge**