

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

High Court Appeal No.271 of 2022

Mst. Fauzia Arshad and another
Versus
Mst. Shazia Kamran and others

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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Hearing case (priority)

1. For order on Nazir Report dated 27.09.2022.
2. For order on office objection/reply at "A".
3. For hearing of CMA No.2485/2022.
4. For hearing of main case.
5. For hearing of CMA No.2487/2022.

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Dated 21.11.2023

Mr. Muhammad Tariq Siddiqui, Advocate for the Appellant.

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There are four moveable and immovable properties disclosed in a suit for Administration and on the strength of a preliminary decree, Nazir was appointed as Administrator with regard to the property disclosed in para-4 at serial No.(a) (page-59 of the appeal), in the plaint which is a Printing Press, which Printing Press is being run in shop No.1 at Narain Valiji Street near Badar Masjid, Hussain Ali Afandi Road, Karachi District South, whereas, the appellant does not dispute that both these moveable Printing Press and immovable property i.e shop No.1 was owned by the deceased. He only disputes shop No.16. It is clarified that the schedule available in the plaint in para-4 does not suggest that the Printing Press is being run in shop No.16 rather it is run in shop No.1 whereas the appellant only claimed to have been gifted shop No.16 by the deceased. Two properties i.e Printing Press and shop No.1 above owned by deceased.

While the law would take its own course to determine fate of the gifted property, we do not see any reason to interfere in the impugned order, since admittedly these two properties were owned by the deceased and were rightly ordered to be auctioned. The appeal as such is dismissed along with pending applications.

JUDGE

JUDGE

Ayaz Gul