

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

H.C.A. No.176 of 2024

Furqan ul Haq  
Versus  
Sana ul Haq & others

Date	Order with signature of Judge
------	-------------------------------

1. For orders on office objection a/w reply as at "A"
2. For orders on CMA 1161/24
3. For hearing of main case
4. For orders on CMA 1162/24

**Dated: 21.05.2024**

Mr. Muhammad Wasif Riaz for appellant.

-.-.-

Syed Aijaz Hussain Shirazi Advocate files his Vakalatnama on behalf of respondent No.1, which is taken on record.

In a suit for administration/partition a preliminary decree was passed in terms of Order XX Rule 13 CPC via impugned order. It is appellant's case that he was not heard on the day when the impugned order was passed. Learned counsel appearing for appellant now submits that he was instructed by his client (plaintiff/appellant) to withdraw the suit. We are of the view that perhaps a suit for administration cannot be withdrawn considering the rights and interest of co-owners of the property i.e. the legal heirs. Furthermore, it is only a preliminary decree where investigation is likely to be carried out and all such defence that the appellant may have in respect of the properties including the alleged investment and the share of construction in the subject properties may be pleaded accordingly. This however is not a defence that would enable us to intervene and upset the order of the preliminary decree. The appeal thus merits no consideration and is accordingly dismissed along with listed applications.

**Judge**

**Judge**