

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CRA No.46 of 2024

Order with signature of Judge(s)

Hearing of case (priority)

1. For orders on office objection a/w reply at 'A'
2. For hearing of main case
3. For hearing of CMA No.3025/2024

03.04.2024

Shaikh Muhammad Raza, Advocate for the petitioner

Mr. Muhammad Ali Waris Lari, Advocate has filed Vakalatnama on behalf of Respondent No.3, whereas Mr. Muhammad Imran Meo, Advocate has filed Vakalatnama on behalf of Respondent Nos.5, 6 and 9; both the Vakalatnamas are taken on record.

After hearing both the parties at length where the Court has been informed that judgment and decree was faulty to the extent that no sale of the property in question was anticipated by the plaintiff and the trial court on its own motion chose to proceed with the sale of the property. Be that as it may, Court has further been informed that the proceedings have reached maturely where 100% sums have been deposited by the Respondent No.10 however through this Revision the proclamation of sale is challenged. Now the Court has been informed that the applicant Moeen Ahmed as well as Respondent No.3 Tahir Ahmed both sons of late Bashir Ahmed, who are the legal heirs, wish to buy the property at the auction price minus their share, as admittedly there are total five brothers and three sisters including Moeen Ahmed and Tahir Ahmed, they also given undertaking that they will deposit the sale proceeds with the Nazir of the District Court within maximum 30 days from today meaning thereby on or before 03.05.2024. It has been clearly stated that if the sale amount (minus their share) is not deposited, the order dated 25.03.2024 passed by X- Senior Civil Judge, Karachi East in Civil

Execution Application No.09 of 2020 arising out of Civil Suit No.1389 of 2015 will hold the field. However parties have also agreed that no fresh application will be filed by either party from any side to prolong the litigation and no threats will be made to the other side. Respondents, particularly daughters have shown anxiety to see the house of their father. Mr. Muhammad Ali Waris Lari, Advocate has given personal assurance that his client Tahir Ahmed and his brother Moeen Ahmed will facilitate the visits of the daughters and sons on Eid and no harassment shall be caused.

With these directions, I am adjourning this matter to **15.05.2024**. In the meanwhile, all orders passed during execution proceedings including the aforesaid order of 25.03.2024 will remain suspended till that date, with affirm note that no further extension will be given to Moeen Ahmed and Tahir Ahmed to deposit the amount minus their share with the Nazir of the executing court.

JUDGE

B-K Soomro