

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SUIT NO. 691 / 2024

Date

Order with signature of Judge

- 1) For orders on CMA No. 9590/2024.
- 2) For orders on CMA No. 9591/2024.

21.06.2024.

M/s. Qazi Umair Ali & Inziam Sharif,
Advocates for Plaintiff.

- 1) Granted.
- 2) This is a Suit for Declaration, Specific Performance and Cancellation as well as Injunction. Learned Counsel for the Plaintiff submits that plaintiff and defendant No.1 to 4 are real brothers, whereas, the present grievance of the Plaintiff is primarily against defendant No.1. He submits that to resolve some family disputes, the four groups family including plaintiff and defendants' family formally entered into some settlement through Aga Khan Shia Imami Ismaili International Conciliation and Arbitration Board ("**ICAB**"), whereafter an Award was passed on 26.06.1998 and some settlement was reached. He submits that thereafter in 2011 the properties of the family groups were evaluated and one property bearing Plot No. 1, Zulfiqar Street-3, Phase VIII-A, measuring 1089.50 square yards, DHA Karachi was also part of such settlement and was evaluated. Per learned Counsel though the property was in the name of defendant No.1; but as per agreement, was to be distributed amongst all brothers; however, on 14.06.2024, an advertisement was placed in daily "**DAWN**" on behalf of purchaser, who has purportedly contracted to purchase this property from defendant No. 1. Learned Counsel lastly submits that in similar circumstances in respect of another property bearing Plot No. 44, Beach Street No.21, Phase-8, 500 sq. yds., in Defence Housing Authority, Karachi earlier in similar terms Suit No. 1465

of 2019 was filed by the same Plaintiff and after passing of a restraining order on 19.09.2019 the matter was settled by Defendant No. 4 herein and once again a similar issue has cropped up, hence instant Suit.

Let notice be issued to the defendants for **23.08.2024**. Till then the defendants are restrained from creating any third party interest in respect of the suit property and shall maintain status-quo.

Arshad/

J U D G E