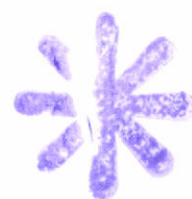


ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
MA No. 24 of 2012



Date: Order with signature of Judge

1. For hearing of CMA No.2168/12
2. For hearing of main case

20.2.2018

Mr. Naheed Afzal Khan for appellant
Respondent Muhammad Pervaiz Imran is present in person
.x.x.x.x.

Counsel submits that though the property involved in this appeal is a benami property which was financed by the appellant however the application for grant of Letter of Administration was filed by the brother of the deceased. The deceased died issueless leaving appellant as his widow. It is claimed that though they have documents in support of their contention that the subject property was a benami property in the name of deceased, yet the Letter of Administration was granted.

The appellant was willing to file suit in this regard however prior to that an application for Letter of Administration has been preferred and the appellant filed objections which were not considered. They still are willing to file suit for declaration in this regard before the Court having jurisdiction.

Respondent Perviaz Imran is present and submits that the suit will take long and their rights shall be prejudiced. Counsel for appellant submits that he ensure that they will make efforts for early disposal of the case within a period of six months as deem proper by trial Court.

Letter of Administration has already been granted and in case appellant intends to file a suit for treating the property as benami, they may exercise their right. The appellant is at liberty to initiate proceedings in this regard preferably within a period of three weeks and may move an application for any interim measure. In case such suit is preferred the trial Court may pass appropriate orders according to law. In case the injunctive orders are not obtained or not passed by the trial Court, the respondent may take steps in pursuance of the impugned order to proceed further in this regard.

The appeal stands disposed of along with the pending applications in the above terms.

Judge

