

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1150 of 2006

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

1. For orders on Nazir Report dated 24.9.2013

For further orders on CMA Nos:

2. 2704 of 2013 (U/S 151 CPC)
3. 2592 OF 2013 (U/S 151 CPC)
(Notice of CMA Nos.2704/2013 and 2592/2013 not issued as cost not paid and copies supplied)
4. For hearing of CMA No.2495/2013 (U/S 151 CPC.
(A/w J.M. No.33 of 2012)

30/09/2013:

Mr. Ali Azam, Advocate for the plaintiffs alongwith Plaintiffs No.1 and 2.

Ms. Naila Tabbasum, Advocate for Defendant No.1 alongwith Defendant No.1(a).

Mr. Imdad Ali Ujjan, Advocate alongwith Defendant No.2.

Mr. Abdul Wajid Wyne, Advocate for auction purchasers namely, Muhammad Aslam and Ms.Maleeha Khan.

1. Nazir report dated 24.9.2013 is taken on record. It is an admitted position that the property in question has been auctioned for a sum of Rs.3,95,00,000/- by the Nazir for the benefit of legal-heirs of deceased Haji Ghulam Nabi son of Habibjee who had expired in 2005. One of the auction purchaser Muhammad Aslam is also present in Court alongwith his learned counsel. By consent of the parties since the defendants in this suit have agreed to purchase the property in question and ready to match the price of the auction purchasers, it is, therefore, ordered that the defendants shall deposit the share of plaintiffs as per Sharia within

fifteen days from today with the Nazir of this Court. The shares should be determined from the amount of Rs.3,95,00,000/-. The defendants shall also deposit a sum of Rs.100,000.00 (Rupees one hundred thousand) in favour of the auction purchasers and the Nazir after releasing the shares of the plaintiff from the amount so received from the defendants within fifteen days will release the entire bid money plus Rs.100,000.00 in favour of the auction purchasers. The defendants will also place on record the total government dues on this property in question within 10 days from today and if they failed to give the proof of the government dues on the property within ten days the entire government dues shall be the liabilities of the defendants and the plaintiffs will not be contributing according to their share towards utility charges or other dues. Nazir to report about compliance of this order within three weeks from today. In case of the failure of defendants to deposit the share of the plaintiffs and the amount of Rs.100,000.00 in favour of the auction purchaser, this order shall be vacated and without any further proceedings the auction purchases shall be entitled to have this property.

2to4. Deferred.

Adjourned to a date in office.

JUDGE

S.Akhtar