

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 73 of 2006

Date	Order with signature of Judge
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FOR HEARING OF CMA NOS:

1. 5852 OF 2013 (U/S 151 CPC)
(Notice of CMA No.5852/2013 issued to the
defendants for 14.10.2013)
2. 13256 OF 2012 (U.S 3 & 4 OF C. OF COURT ACT)
3. 11656 OF 2012 (U/S 151 CPC)

14/10/2013:

Mr. Abdul Wahab Ansari, Advocate for Plaintiff No.1.

Mr. Muhammad Yousuf Loya Advocate alongwith
Defendant No.2 Muhammad Ahmed.

1to3. The dispute in this suit for administration has been reduced between the Plaintiff No.1 and Defendant No.2 as the Plaintiff No.2 and all other defendants have shown their satisfaction to the share of inheritance settled by Defendant No.2. Even the dispute between the Plaintiff No.1 and Defendant No.2 had been compromised at the level of Nazir of this Court as mentioned by Nazir in his report dated 13.11.2012 placed in Court on 14.11.2012. Para 5 of the said Nazir report is reproduced herein below:-

“05. Thereafter on 10.10.2012, Plaintiff No.1 and defendant No.2 filed a joint application that they had settled their dispute outside the court on the intervention of their elders and her share comes to rupees 16,50,000 which will be paid by defendant No.2 and that defendant No.2 gave her pay orders before undersigned. Copies of both pay orders duly received by plaintiff No.1 are attached with report at Annexure B and C. A similar application was also filed by defendant No.1 that he had received his share from defendant No.2 and thus, he had relinquished his right in favour of defendant No.2. Both applications were verified from the applicants in persons who found it correct and admitted their contents. The application of plaintiff No.1 and defendant No.1 are filed at Annexure D and E respectively.”

The Plaintiff No.1 admits of having received this amount from Defendant No.2. Today this case is fixed for hearing of CMA No.5852 of 2013 filed by Plaintiff No.1 under Section 151 CPC wherein the plaintiff has sought a legal action against the Nazir of this Court. The other application (CMA No.13256 of 2012) which is a contempt application filed by Defendant No.2 against Plaintiff No.1 for not handing over the premises against which she has received a Sum of Rs. 16,50,000/- from Defendant No.2 before the Nazir as reflected in para 5 of Nazir report reproduced above. There is another application filed by the Plaintiff No.1 bearing CMA No.11656 of 2012 in which Plaintiff No.1 has sought direction against Nazir of this Court to immediately auction the property of deceased as the present market value ad Defendant No.2 tried to blackmail and harass.

This order will govern all the three applications listed today. Now the Plaintiff No.1 has agreed to hand over possession of portion of the premises bearing house on Plot No.83/II, 8th Commercial Street, Phase IV, DHA, Karachi, in her possession to the Defendant No.2 on receiving an additional amount of Rs.6,50,000/- in addition to Rs.16,50,000/- which he has already paid to Plaintiff No.1. The Defendant No.2 will deposit a sum of Rs.6,50,000/- with the Nazir of this Court within fifteen days from today inclusive of holidays. Once the said amount is deposited by the Defendant No.2, the Plaintiff No.1, without any delay will hand over possession of the portion of the premises on or before realizing the said amount from the Nazir of this Court. Nazir to ensure that delivery of possession before disbursing Rs.6,50,000/- to Plaintiff

No.1. Nazir is to complete the exercise within ten days from receiving the amount of Rs.6,50,000/- from Defendant No.2. The Defendant No.2 shall deposit the amount of Rs.6,50,000/- with the Nazir of this Court after due notice to the counsel for Plaintiff No.1 so also Plaintiff No.1. The plaintiff No.1 still feels that there is something left to be done in this case in terms of compromise which was also file before the Nazir she may pursue the remedy/grievance under the said compromise without prejudice to the orders passed herein. Nazir to submit his report on or before 5th November 2012.

The three applications listed today are disposed of in the above terms.

JUDGE

S.Akhtar