

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1678 of 2009

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Date	Order with signature of Judge
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For hearing of CMA Nos:

1. 7005 of 2013 (U/O XXVI R 9 CPC)
2. 7006 of 2013 (U/O XX R 18 CPC)
3. 5055 of 2013

24/10/2013:

Plaintiff No.1 Mst. Dilshad Begum present in Court.

Defendant No.2 Ilyas Yousuf also present in Court.

Mr. Sajid Latif, Advocate for Defendant No.7.  
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This is a suit for administration and partition of properties of the deceased Yousuf Ilyas and plaintiff No.1 is a widow and daughter of the deceased. She is not in a position to engage a counsel and keeping in view that the final disposal of this case will take some time, she is in a very uncomfortable position. Defendant No.2 is ready to purchase the share of all the defendants and plaintiffs in the property bearing No.JM-592, measuring 800 Sq. Yds., building constructed on Plot No.NP-10/15-A, known as Yousuf Ilyas Building, situated at Chaba Gali, Napier Quarters, Napier Road, Judia Bazaar, Karachi. Learned counsel for Defendant No.7 informs that there are several other properties which are subject matter of this suit. The Plaintiff No.1 is a widow and she is not in a position to determine the value of just one property which the Defendant No.2 wishes to purchase by paying of the share of all other legal-heirs. However, without prejudice to

the right of parties and without prejudice to the exact value of the value of the said property, at this point of time the Defendant No.2 has offered to pay a sum of Rs.10,00,000/- to his widow sister who is Plaintiff No.1 in this case. This amount shall be treated as token money towards surrender of share in favour of Defendant No.2 and it would be adjusted from the exact value of the share at the time of final disposal of the property by way of auction or by way of family settlement. The Defendant No.2 admits that the total share of Plaintiff No.1 is far more than Rs.10,00,000/-. In the circumstances, the Defendant No.2 seeks one week's time to deposit a pay order of Rs.10,00,000/- which shall be given to only Plaintiff No.1 by the Nazir after her proper identification and verification without reference to the Court. At the time of deposit of this money the Defendant No.2 alongwith Plaintiff No.1 shall go in the office of Nazir where they will identify each other and once the money is deposited by Defendant No.2 the Nazir will forthwith hand over the same to Plaintiff No.1. Nazir will submit a compliance report within ten days after taking over and handing over the pay order of the aforesaid amount.

Since the other counsel for the defendants are absent this case is adjourned to a date in office.

S.Akhtar

JUDGE