

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 612 of 2007

Date	Order with signature of Judge
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1. For hearing of CMA No.2549/2012 (U/S 151 CPC)
2. For hearing of CMA No.3142/2012 (U/S 151 CPC)
3. For hearing of Official Assignee Ref. No.29/2012
4. For hearing of Official Assignee Ref. No.30/2012
5. For hearing of Official Assignee Ref. No.25/2012
6. For hearing of Official Assignee Ref. No.26/2012
7. For hearing of Official Assignee Ref. No.27/2012
8. For hearing of Official Assignee Ref. No.28/2012

30/10/2013:

Mr. Z. U. Mujahid, Advocate alongwith the plaintiff.

Mr. Muhammad Farooq, Advocate for Defendants No.3 and 5.

Mr. Kadir Bux Umrani, Official Assignee, alongwith
Mr. Sajjad Ali, Office Incharge of Official Assignee.

1&2. Deferred.

3to8. The Defendant No.1 is defying order of the Court dated 24.1.2012 whereby he was required to deposit the security amount of Rs.29,54,980/-and three months' rent received by him from the properties the subject matter of the suit. The Defendant No.1 has filed an appeal against the said order which was dismissed on 6.3.2013 and yet he has not complied with the said order. Today the Court has been informed by the staff of Official Assignee that Defendant No.3 has given an intimation to the Official Assignee regarding his leaving the country for three months. Such intimation was given to the Official Assignee on 8.10.2013. However, despite the knowledge of these orders and his failure to comply with the order the Official Assignee whose reference is

already pending on the point that the Defendant No.1 had defaulted in complying with the order did not press the urgency of his pending references to obtain orders so that coercive action could have been taken against him. It is expected that the officers of the Court who are under an obligation to see that the orders of the Courts have been executed or not and in such a situation like this they should act more vigilantly. By that as it may, since there is no justification from the Defendant No.1 for failing to comply with the orders since 24.1.2012, as first measure to execute order dated 24.1.2012 the plaintiff present in Court is directed to give details of one of the properties of the Defendant No.1 to the Official Assignee for attachment just to recovery the amount mentioned in the order dated 24.1.2012. Once that information is received by the Official Assignee he should forthwith verify the status of the said property and attached the same for compliance of order dated 24.1.2012.

The learned Official Assignee has reported through the various references fixed today has confirmed that accounts have not been rendered so far to ascertain the final liability on the plaintiff. He has further informed that the Customs Authorities have their claim which needs to be finalized. There are also other government dues on the properties of this partnership business. Since this is a matter pending since 2007 and several meetings have been held between the Official Assignee and the government officials including Customs Authorities to finalize the accounts and parties have not yet been able to finalize the same for one reason or the other. The Official Assignee is directed to ensure that the accounts are being finalized within four weeks from today and if he

finds any difficulty he should immediately file a reference with urgent application so that responsible person(s) for delay in taking of such account may be taken to the task. The Official Assignee is directed to finalize the accounts. He is also directed to evaluate the properties for a tentative view will have to be sold out to clear the liabilities of the partnership. The valuation of the properties is to be filed by the Official Assignee alongwith his report about final accounts within four weeks.

In view of above Official Assignee's Ref. Nos.29, 30, 26, 27 and 28, all of 2012, are taken on record and disposed of. Ref. No.25 of 2012 is regarding fee of Official Assignee is allowed as per rules and subject to administrative approval of Hon'ble Chief Justice.

JUDGE

S.Akhtar