

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 768 of 2005
Suit No. 731 of 2007

Date	Order with signature of Judge
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SUIT NO.768 OF 2005:

For examination of the parties/issues:

SUIT NO.731 OF 2007:

Put-up A/W Suit No.768 of 2005.

30/10/2013:

Mr. Muhammad Haseeb Jamali, Advocate for the plaintiff in Suit No.768 of 2005 and Defendant No.2 in Suit No.731 of 2007.

Mr. Zafar Alam Khan, Advocate for Defendant No.3 in Suit No.768 of 2005 and plaintiff in Suit No.731 of 2007.

Ms. Naheed Naz, Advocate for Advocate General Sindh for Defendants No.1, 4, 5 and 6 in Suit No.768 of 2005 and Defendant No.3 in Suit No.731 of 2007.

Mrs. Shabana Ishaque, Advocate for Defendant No.2 in Suit No.768 of 2005 and Defendant No.1 in Suit No.731 of 2007.

After going through the pleadings of the parties following consolidated issues are framed:-

1. Whether any of the plaintiffs either in Suit No.768 of 2005 or Suit No.731 of 2007 is entitled to a decree for specific performance of agreement dated 8.7.1997 and 2.7.1996 respectively? If so, on what terms?
2. Whether the Sale Agreement dated 2.7.1996 is a fabricated document and liable to be delivered up for cancellation?

3. Whether the boundary wall of the said plots of land was constructed by Ehsanullah Khan Afridi or Saeed-ur-Rehman?
4. Whether any sale agreement has accrued between plaintiff and Defendant No.2?
5. Whether the Suit is hit by Law of Limitation?
6. Whether the suit is hit by Section 17 of the Specific Relief Act?
7. Whether the Suit is hit by Sindh Government Land (Cancellation of Allotments, Conversions and Exchanges) Ordinance III of 2001?
8. Whether the Plaintiff has paid entire differential amount under the Ordinance III of 2001?
9. Whether the land in question can be regularized under the present Government Policy as regard to K-28, Hawksbay Scheme, and decision of this Court?
10. What should the decree be?

List of witnesses to be filed within seven days. Documents, if any, to be filed within one month from today under a proper acknowledgement from the office. It is clarified that if any document is not mentioned in the list of documents filed by the parties they will not be allowed to place the same alongwith their affidavits-in-evidence before the Commissioner for recording of evidence.

By consent of the parties Mr. Kabiruddin Khan, Advocate, having office at M-71, Khayaban-e-Ittehad (Main), Phase VII, DHA Karachi, bearing Cell # 0345-2444557, is appointed Commissioner to record evidence in the matter. Parties are directed to supply copies of pleadings before filing their respective affidavits-in-evidence to the learned Commissioner. The fee of the learned Commissioner is fixed at Rs.15,000/- (fifteen thousand) per

witnesses which will be paid by the parties for their respective witnesses in advance and it is expected that the learned Commissioner will return the Commission within three (3) months from the date of receipt of this order. The learned Commissioner will start the commission after filing of list of witnesses. The parties are directed to supply certified copy of list of documents filed in Court to the learned Commissioner so that the learned Commissioner should know about the documents. It is also clarified that if any party try to produce documents from outside the list of documents, he may do so subject to objection but the commission will not stop and such objection will be decided after the commission is completed.

Office to communicate this order to the learned Commissioner at the earliest.

Judge

Ayub