

IN THE HIGH COURT OF SINDH AT KARACHI

Ex. A. No. 53 of 2013

Date	Order with signature of Judge
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| 1.
2. | For hearing of CMA No.392/2013 (U/S 151 CPC)
For hearing of Execution Application. |
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19/11/2013:

Mr. Zahid Farooq, Advocate alongwith decree-holder
Akbar Ali.

Mr. Zulfiqar Ali Langa, Advocate for the J.Ds.
alongwith J.D. No.2.

Learned counsel for the J.Ds. undertakes to file his power in the office.

The J.D. No.2 has brought original title documents of property No. (ii) bearing Plot No.9/25, Nishtar Road, as mentioned in Column No.6-A of the execution application. He has also brought a cross-cheque No.1272921, drawn on UBL, Iddgha Branch, of Rs.15,00,000/- to ensure the satisfaction of the decree within five months' time from today i.e. on or before 18th April 2014. In terms of the compromise decree the judgment-debtors were required to make the payment of Rs.15,00,000/- within two months from 26th April 2013 when the judgment and decree was passed by this Court. However, by consent of the decree-holder five months' time has been given from today and a cross-cheque, as said above, has been obtained in the name of Nazir of this Court to be encashed on or before 18.4.2014. This cheque is undated. The reason of keeping this undated cheque is that the judgment-debtors may bring the amount of Rs.15,00,000/- even before the cut of date i.e. 18.4.2014 and get relinquishment deed executed by the plaintiff in terms of para 3 of the terms of compromise.

The plaintiff/decreed-holder shall be ready and available as soon as relinquishment deed(s) are prepared by the J.Ds. to be executed by the decree-holder in favour of the judgment-debtors in respect of the properties mentioned at Serial Nos.(i), (ii), (iv) and (v) in the execution application.

In case the aforesaid cheque is not encashed on or before 18.4.2014 the Nazir will endorse the date on this cheque and present for encashment into his account. The Nazir is also directed to ensure that once the cheque is bounced he should immediately lodge a criminal complaint/FIR of dishonouring of the cheque and take action besides attaching the properties mentioned in the execution application and seek recovery of Rs.15,00,000/- by sell of properties in terms of compromise decree.

The judgment-debtors have already deposited a sum of Rs.5,00,000/- on 26.4.2013 which as per Nazir's report dated 8.10.2013 has been invested by the Nazir in National Saving Centre, Karachi.

The documents presented today alongwith cheque are to be taken into custody by the Nazir for compliance of the order, as stated above. The Nazir is directed to disburse the amount of Rs.5,00,000/- and the interest accrued thereon to the plaintiff/decreed-holder as soon as possible after his proper verification and identification. The aforesaid documents and cheque will hand over to the Nazir by the Reader of this Court under a proper receipt.

JUDGE