

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 545 of 2013

Date

Order with signature of Judge

For hearing of CMA Nos:

1. 5328 of 2013 (U/O 39 R 1&2 CPC)
2. 6349 of 2013 (U/S 151 CPC)
3. 8445 of 2013 (U/O 7 R 11 CPC)
4. 9030 of 2013 (U/O 7 R 11 CPC)
5. 9388 of 2013 (U/S 3 & 4 OF CONTEMPT)

19/11/2013:

Mrs. Shabana Ishaque, Advocate for the plaintiff.

Mr. Muhammad Ilyas Khan Tanoli, Advocate for
Defendants No.1 to 3 and 5 to 8.

Mr. Tahir Hussain Qureshi, Advocate for Defendant
No.4.

1,2&5. Deferred.

3&4. This is a suit for specific performance filed on 29.4.2013 in respect of agreement dated 10.1.2012. The Defendants No.1 to 8 have filed their written-statement. They have referred to Para (F) of written statement and state that an agreement dated 25.3.2013 between the defendants and M/s. Sikandar Ashraf & Muhammad Hashim in respect of the same property has been executed. During the course of arguments on the applications under Order 7 Rule 11 CPC the counsel for the defendants have informed that the property is still with the defendants as they have not parted with possession on account of pendency of this suit and intend to complete the agreement with the subsequent buyers pending the agreement dated 10.1.2012 with the plaintiff. In the circumstances since valuable rights of the

purchasers of subsequent agreement are involved in the property in dispute it is necessary that they should put on notice of the proceedings. Therefore, notice may be issued to M/s. Sikandar Ashraf and Muhammad Hashim, on the address given in the agreement annexed with the counter-affidavit filed by Defendant No.4 on 24.8.2013 in reply to the application under Order 39 Rules 1& 2 CPC, so that if they intend to become party in this suit. The plaintiff is also directed to file an amended plaint impleading the above named two subsequent purchasers within three weeks from today.

In view of above CMA Nos.8445 of 2013 and 9030 of 2013 are adjourned to a date in office. Interim order passed earlier to continue till next date of hearing.

S.Akhtar

JUDGE