

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 709 of 2003

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Date	Order with signature of Judge
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For hearing of CMA No.5518/11

For hearing of CMA No.2916/13

For hearing of CMA No.4138/13

“Notice issued on fresh address supplied by the defendant’s counsel.

25/11/2013:

Mr. Syed Amjad Hussain, Advocate for the plaintiff.

Mr. Nadeem Ahmed Farooqi, Advocate for the defendant.

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1. This is a suit for administration pending since 2003. The properties mentioned in schedule A and B attached to plaint are admittedly in the name of deceased in official record. Though, the dispute raised by the defendants in their written statement that the suit properties were Benami is outside the scope of the administration suit. Pending such issue, a preliminary decree in this suit be issued and official Assignee is directed to execute the preliminary decree in terms of order XX Rule 13 CPC and take all accounts of income generated from the shops/properties in dispute and make an inventory and submit report accordingly so that if need be any final decree may be passed regarding the said property(s).

2. Learned counsel for the plaintiff does not press this application (CMA No.2916 of 2013) which is accordingly dismissed as not pressed.

3. CMA No.4138/13 has been filed by defendant No.1 for movement of electricity meter from one place to other place. It is alleged that plaintiff is committing theft from the said meter. There is no provision under Section 151 CPC to resolve the criminal act of either party, therefore this application is dismissed.

JUDGE