

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

Suit No. 270/2008

Date order with signature of Judge

For hearing of CMA Nos.

1. 10573/2012 (U/s. 151 CPC)
2. 4442/2013 (U/s. 151 CPC)
3. 8469/2013 (U/o. 23 Rule 3 R/w Sec. 151 CPC)
4. For orders on Nazir report dated 19.4.2013.
5. For orders on Nazir report dated 22.5.2013

Statement dated 22.11.2013 filed by Advocate for the Defendant Nos.1 and 2, at Flag 'A'.

28.11.2012

Mr. Muhammad Ilyas Warraich, Advocate for the Plaintiff.
Mr. Muhammad Shoaib, Advocate for Defendants No.1 & 2.
Mr. Muhammad Ali Lari, Advocate for Purchaser.

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This is a suit for administration of the property of the deceased Mst. Rafiunnisa and she has left three properties as mentioned in para-3 of plaint. By order dated 11.3.2013 the defendants have agreed to give due share to the plaintiff, which was settled at Rs.14,00,000/- in respect of all the three properties. Parties have brought a purchaser namely Zubair Ahmed in respect of one property only mentioned in para 3(a) of the plaint and at the instance of the parties he has agreed to purchase the said property. He has accepted the offer of purchasing the said property and deposited a sum of Rs.20,75,000/- in Court on 19.4.2013, which amount is lying with the Nazir of this Court. The Nazir is directed to refund the amount of the purchaser alongwith interest @ 8%per annum payable by Defendants No.1 to 8. Defendants No.1 to 8 shall deposit the interest on the said amount within one month from today. In case of failure of

Defendants No.1 to 8 to deposit the interest on the said amount with the Nazir to be handedover to the purchaser,the Defendants No.1 to 8 shall be debarred from offering to purchase the property subsequently even on higher price. It is also clarified that interest should be paid by the Defendants No.1 to 8 within 30 days and also they shall deposit Rs.14,00,000/- with Nazir of this Court in favour of plaintiff within three days from today. Nazir shall invest the amount in some government profit bearing scheme, pending the dispute that whether the application for compromise between the Plaintiff and Defendants No.1 to 8 is to be disposed of or objection raised by the plaintiff can be sustained. Mr. Muhammad Ali Lari, learned counsel for the purchaser is discharged from appearing in this case since he is only representing the purchaser and through this order amount deposited by his client is ordered to be refunded.

Adjourned to a date in office.

JUDGE

SM