

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Ex. No.05/2006

Date _____ order with signature of Judge _____

For hearing of execution application.

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24.12.2013

Ms. Afsheen Aman, Advocate for D/H.
Mr. Muhammad Idrees Alvi, Advocate.

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Mr. Muhammad Idrees Alvi, Advocate, who is representing KMC/J.D, not in this case but in several other cases, is kind enough to agree to convey to the KMC/J.D the order which is going to be passed as follows.

In this case earlier Mr. Tahawar Ali Khan, Advocate had appeared on behalf of J/D as far back as 5.4.2006. On 15.8.2006 Mr. Ali Azam, Advocate had appeared on behalf of J/D. On 9.10.2006 M/s Manzoor Ahmed and Tahawar Ali Khan, Advocates appeared for J/D. On 16.11.2006 Ms. Shamim Akhtar, Advocate appeared and again on 8.12.2006 M/s Tahawar Ali Khan and Shamim Akhtar, Advocates appeared for KMC/J.D. Thereafter the J/D stopped attending the Court. On 17.5.2013 again Mr. S.M.Shujja, Advocate undertook to file power on behalf of J/D. Thereafter nobody appeared in this case on behalf of the J/D.

In the circumstances, this Court is left with no option but to straightaway attach the properties, list of which has been filed by the learned counsel for the decree holder. Since the execution application has not been contested, the same is allowed. The J/D is

given 15 days' time to deposit the decretal amount; failing which every piece of item mentioned in the list of attachment including vehicles of KMC will be taken away from the office of KMC by the Nazir of this Court with the help of police without further notice to J/D. Mr. Muhammad Idrees Alvi, Advocate is requested to communicate this order to the J/D so that no excuse is left with the J/D to come forward and say that they were not informed and in their absence this order was passed. Nazir to take steps for attaching the property and keep the same in the High Court warehouse or any other place at the choice of the Decree holder.

A copy of this order be sent to Decree holder through TCS and provided to Mr. Muhammad Idrees Alvi, Advocate so that he may communicate the same to the J/D.

J U D G E

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Ex. No.05/2011

Date _____ order with signature of Judge _____

for hearing of execution application.

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23.12.2013

Mr. Aamir Maqsood, Advocae for D/H.
Mr. Muhammad Zahid, DAG alongwith Col. Khalid.

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The J/D has failed to comply with the order dated 6.12.2013. Cost was to be paid by the J/D on failure to comply with the order.

Today the J/D innocently says that they do not know the exact amount payable by J/D in terms of decree. The J/D has a very big Account Department headed by Controller of Military Accounts and they are unable to make simple calculation in term of decree as partly done by D/H and mentioned in Column Nos. 8,9 & 10 of the Execution Application. Therefore, in the first instance they are directed to deposit cost of Rs.10,000/- alongwith a sum of R.30,17,164/- with the Nazir of this Court within 24 hours; failing which contempt proceedings will be initiated against the officer present today in Court and any other officer who may be found responsible for non-compliance of the order. It is a matter of record that assurances have been extended earlier by different officers of the rank of Colonel before the High Court.

Nazir should submit report on 26.12.2013 regarding compliance of today's order.

Now it is ordered that the Military Account Office in the light of the judgment and decree should make calculations in terms of decree as done and mentioned in Columns No. 8,9 & 10 of the Execution Application and disclose the exact amount due under the decree over and above the amount to be deposited within 24 hours. This statement should come from the Decree Holder alongwith the cheque or pay order equivalent to the same amount

on the first opening day of this Court after winter vacations. Any mistake in such calculation and /or omission shall entail penal consequences.

To come up on 13.01.2014.

sharif

J U D G E

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No. 715/2006

Date _____ order with signature of Judge _____

For hearing of CMA No.7755/12

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23.12.2013

Mr. Mehar Khan, Advocate.

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Learned counsel for the defendants has proposed additional issues in the above application which has gone uncontested as no counter affidavit has been filed. Therefore, the application is allowed. Additional issue is framed alongwith the issues adopted on 31.1.2011. Both these issues are reproduced as under:-

1. What properties were left behind by Nisar Muhammad Khan and Firdous Jehan Begum at the time of their death?
2. Whether the plaintiff raised construction on the 1st and 2nd floor of the property bearing No.I-E-8/2, Nazimabad No.1, Karachi, or the construction was raised with the funds of deceased as claimed by the defendants?
3. Whether the sons of deceased received their share out of the properties left behind by them at the time of sale of the business concern of deceased Nisar Muhammad Khan?
4. Whether the deceased Noor Ahmed Khan son of Nisar Muhammad Khan removed golden ornament required to be distributed amongst the parties to this suit?
5. Who has been making payment of taxes in respect of the property ?
6. Whether the plaintiff is entitled to receive the market value of the first and second floor existing on the property bearing No.I-E-8/Nazimabad, Karachi.
7. What are the shares of parties?
8. Whether the suit is barred by time and hit by the provisions of the limitation Act?

9. Whether suit is not maintainable in the present form for administration?

10. What should the decree be?

Parties were already directed to file list of witnesses and documents by order dated 31.1.2011. Office is directed to list the case for evidence.

sharif

J U D G E

ORDER SHEET

IN THE HIGH COURT OF SINDH KARACH

Suit No. 590/1997

Date order with signature of Judge

1. For hearing of CMA No.3091/97
2. For hg.of CMA 12719/13

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23.12.2013

Mr. A.H. Lakho, Advocate.
Mr. Mustafa Ali, Advocate.
Mr. Ali Aziz, Advocate.

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Contemnors No. 1 & 2 have already engaged their counsel.
On 5.12.2013 counsel for Contemnor No.2 was present but he has still not filed reply to the contempt application.

This is a serious matter pending since 1997 and the contempt proceedings are taken lightly. Therefore, it is specifically ordered that reply of the contempt application should be filed within seven days from today; failing which the alleged contemnors shall appear personally on the next date.

To come up on 13.1.2014.

J U D G E

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No. 212/1984

Date order with signature of Judge

1. For hearing of CMA No.11824/13
2. for hg.of Nazir report dt. 9.5.13
3. for hg.of Nazir report dt. 4.5.13.
4. for hg.of CMA 1631/13
5. for hg.of CMA 2100/13
6. for hg.of CMA 8245/13
7. for hg.of CMA 8227/13

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23.12.2013

Plaintiff in person.

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This case is pending since 1984. The plaintiff, who is appearing in person states that he had filed his written arguments on 18.11.2002 and 9.4.2007. Defendants No. 1, 2 & 6 had filed their written arguments on 16.12.2002. Defendants No. 3 to 5 had filed their written arguments on 13.10.2004. Thereafter the case was fixed for final disposal but on account of multiple applications filed in the case the matter could not be disposed of.

It is ordered that all pending applications and references filed subsequent to the filing of the written arguments will be examined alongwith the final judgment. If parties wish they may file written comments on pending applications and Nazir References in addition to the written arguments already filed so that these applications and References may also be taken care of and the case should not be further complicated to examine the allegation of pilferage or anything.

To come up after winter vacations.

JUDGE

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No. 1598/2013

Date	order with signature of Judge
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1. For hearing of CMA No. 14093/13
 2. for hg.of CMA No.14094/2013
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23.12.2013

Mr. Muhammad Iqbal Choudhry, Advocate for plaintiff.
Mr. Ahmed Pirzada, Advocate.

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Mr. Fayaz Ahmed, Advocate undertakes to file vakalatnama on behalf of Defendants 1 to 4. All the defendants seem to have been served. Written statements on behalf of Defendants 1 to 4 should be filed within 15 days from today.

Subject to filing of the written statement, the interim order is confirmed to the extent that no third party interest shall be created by the Defendants in the suit property. However, they may continue to raise construction subject to all legal requirements of raising construction at their own risk as to the cost and consequences. On the disposal of the suit if it was found that the construction has been raised on the land which did not belong to the defendants, it shall be demolished at the cost of the defendants forthwith.

Both the listed applications are disposed of in above terms.

J U D G E

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No. 933/2011

Date order with signature of Judge

3. For hearing of CMA No. 5564/13
4. for hg.of CMA No.7819/2013
5. for examination of parties/settlement of issues

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23.12.2013

Plaintiff in person.
Mr. Abdul Wajid Wyne, Advocate.

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The plaintiff has filed this suit, inter alia, praying that he and his family members may be declared as permanent members of the Defendant Gymkhana and, therefore, are entitled to exercise right of membership and to participate in the activities of the defendant Gymkhana.

The defendants have no cavil to the above prayer. Counsel for the defendants has in his hands membership card and car sticker of the plaintiff. In the circumstances, the suit of the plaintiff is decreed to the extent of prayer clause (i). The defendants shall treat the plaintiff and his family in accordance with the Rules and Regulations of the Gymkhana.

Suit stands disposed of.

J U D G E

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No. 11/2013

Date order with signature of Judge

1. For hearing of CMA No. 87/13
2. for hg.of CMA No.88/2013

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23.12.2013

Mr. Naveedul Haq, Advocate holds brief for Mr. Muhammad Noman Jamali, Advocate for plaintiff.
Mr. Mehmood A.H.Baloch, Advocate.

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The plaintiff had obtained exparte interim order on 05.01.2013 and since then they are not appearing before the Additional Registrar nor they have supplied copies of the plaint and its annexures to the Defendants as is apparent from the diaries of the Addl.Registrar dated 29.8.2013 and 29.10.2013. The compliance has not been made nor any serious effort has been made to supply copies of the plaint and applications to the defendants. The diary of the Addl.Registrar is silent as to whether Defendant No.3 has been served or not.

The attitude of the plaintiff indicates that after obtaining exparte order he is trying to prolong the case. The plaintiff is warned that in case copies are not supplied and acknowledgment receipt of supply of papers is not placed on

the Court file within seven days from today with covering letter in the office of Addl.Registrar showing compliance of his order, the application for interim order shall be dismissed.

J U D G E

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No. 1742/2012
Suit No.1698/2012

Date _____ order with signature of Judge _____

For hearing of CMA No. 12696/13

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23.12.2013

Mr. S.M.Awan, Advocate.
Mr. Khalid Javed, Advocate.
Mr. I.H. Zaidi, Advocate
Mr. Mian Mushtaq Ahmed, Advocate
Mr. Muzafar, Advocate.
Mr. Muhammad Zafar, Advocate.

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Learned counsel for the defendants are directed to file written statements within three weeks. In case of non-filing of the written statement within such period, the concerned defendants shall pay Rs.1000/- per day as cost. With these observations application under Order 8 Rule 10 CPC has become infructuous which is accordingly dismissed.

J U D G E

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No.1698/2012
Suit No. 1742/2012

Date _____ order with signature of Judge _____

1. For hearing of CMA No. 12179/13
 2. for hg.of CMA No. 9186/13
 3. for order on Nazir Interim reprt dt. 23.5.13
 4. for order on Nazir report dt. 21.6.13
 5. for order on CMA No.8563/13
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23.12.2013

Mr. S.M.Awan, Advocate.
Mr. Khalid Javed, Advocate.
Mr. I.H. Zaidi, Advocate
Mr. Mian Mushtaq Ahmed, Advocate
Mr. Muzafar, Advocate.
Mr. Muhammad Zafar, Advocate.

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Learned counsel for the defendants are directed to file written statements within three weeks. In case of non-filing of the written statement within such period, the concerned defendants shall pay Rs.1000/- per day as cost. With these observations application under Order 8 Rule 10 CPC has become infructuous which is accordingly dismissed.

J U D G E

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No. 387/2011

Date	order with signature of Judge
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1. For hearing of CMA No.2886/11
2. for hg.of CMA No.2791/12
3. for hg.of CMA 3065/12

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23.12.2013

Syed Ahmed Ali Shah, Advocate.
Mr. Sohail Hameed, Advocate.
Ms. Naheed Naz, State Counsel.

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This matter is pending since 2011 and is ripe for framing of issues. The parties are directed to ensure that issues are filed by them, possibly by consent, before the next date. Adjourned.
Interim order to continue till the next date of hearing.

J U D G E

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No. 527/2012

Date	order with signature of Judge
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1. For hearing of CMA No. 1058/13
2. for hg.of CMA No. 7240/13
3. for hg.of CMA 4923/12

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23.12.2013

None for plaintiff.
Mr. Ghulam Murtaza Saryo, Advocate

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On the last several dates of hearing, the plaintiff appeared in person and filed several applications seeking interim order. All the allegations in these applications appear to be outside the scope of the suit for damages and permanent injunction filed by the plaintiff. On the last date of hearing the plaintiff was directed to approach the concerned Police Station regarding the allegations against the Defendant for redressal of his grievance and a copy of such complaint be filed on the court record. The plaintiff is absent and the applications apparently are not maintainable and the same are dismissed for non-prosecution.

J U D G E

sharif

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACH

Suit No. 1067/2011

Date	order with signature of Judge
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1. For hearing of CMA No. 11902/11
 2. for hg.of CMA No. 8897/11
 3. for hg.of CMA No.8898/11
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23.12.2013

None for plaintiff.
Mr. Attaullah, Advocate

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The plaintiff is absent since August, 2012. He is fully aware of the proceedings as he does appear in Court in several cases. In the circumstances, the suit is dismissed for non-prosecution alongwith the listed applications.

J U D G E

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