

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 1282 of 2012

Date	Order with signature of Judge
1.	For hearing of CMA No.11038/2013 (U/O 39 R 1&2 CPC)
2.	For hearing of CMA No.10164/2013 (U/S 151 CPC) (Order/Notice issued)
3.	For hearing of CMA No.10097/2012 (U/O 39 R 1&2 CPC)
4.	For hearing of CMA No.7794/2013 (U/O 39 R 1&2 CPC)
5.	For hearing of CMA No.7864/2013 (U/O 39 R 4 CPC)
6.	For order on Commissioner report dated 2.7.2013.

29/10/2013:

Mr. Muhammad Saleem Thapdawala, Advocate for the plaintiff.

Mr. Abubakar I. Chundrigar, Advocate for the defendants.  
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In this suit there are already two reports of commissioner available at pages 77 and 175 of the file giving certain details of the accounts of the deceased and the other properties of the deceased parents. Be that as it may, at this point of time the Official Assignee of Karachi is appointed to take accounts of all the movable and immovable properties left by the deceased from the defendants and the plaintiff and make a comprehensive report specifically mentioning that which piece of property is in whose possession and under what circumstances. Learned counsel for the defendants has informed that there is an account of deceased which was being operated by the plaintiff bearing Account No.01-100-6531-5 with Allied Bank Limited, Sindhi Muslim Cooperative Housing Society Branch, Karachi. The Official Assignee is directed

to obtain a true certified copy of statement of Account, as said above, from 1.5.2010 till date.

This Court vide order dated 3.7.2013 has already ordered to seal Lockers bearing No.257 in Muslim Commercial Bank Limited Defence Stadium Branch Defence Karachi (1434) and 650 in HBL, Defense Housing society Branch (0541). Now with the consent of learned counsel for the parties it is ordered that Official Assignee or his representative shall open the above said lockers in presence of the parties and if any party is absent on the date the locker should not be opened. It is, however, clarified that if these lockers are being opened and inventory is to be made within fifteen days. The Official Assignee will inform the date of opening the locker and on the said date the plaintiff should not avoid attending the process of desealing of the locker and make inspection of the locker by the Official Assignee. The exercised of making of an inventory by the Official Assignee to be complied within fifteen days of receiving of this order. The parties are directed to appear before the Official assignee on 05.11.2013 at 3.00 p.m.

Learned counsel for the defendants suggests that his clients should be at liberty to file any application in either of the cases. The Court has no objection to such liberty which is to be exercised by the clients of learned counsel for the defendants.

In view of above CMA Nos.10164/2013, 7794/2013, 7864/2013 and Commissioner report dated 2.7.2013 stand disposed of and CMA No.10097 of 2012 has become infructuous.

Adjourned to 21.11.2013. As suggested by learned counsel for the defendants and agreed by learned counsel for the plaintiff on the next date of hearing subject to the objection filed by the parties on the report of Official Assignee in terms of the above order, the Court will hear arguments on the point that which of the property should be treated as assets of the deceased and which should not be.

JUDGE

S.Akhtar