

IN THE HIGH COURT OF SINDH AT KARACHI

Ex. Application No. 02 of 2001

O R D E R

Date of hearing : 19.12.2013.

Decree Holder : Pakistan State Oil Company Limited,
through Raja Qasit Nawaz, Advocate.

Judgement Debtors: Farooq Ahmed deceased through his heirs
/ legal representatives:-

- i) Mrs. Farrah Farooq
- ii) Master Umer Farooq

Mr. Kadir Bux Umarani, Official Assignee.

For orders on Official Assignee's Reference No.08/2013

NAZAR AKBAR, J. This execution application is pending since 2001 and as per judgment decree the defendant was ordered to pay Rs.20,739,067.00 with markup from 12.3.1999 till payment. The Decree Holder in order to satisfy the Court has filed an application (CMA No.351/2003) under Section 21 Rules 43, 44, 46, 52, 54, 64 & 74 r/w Section 151 CPC and sought attachment of the four properties, the properties so identified are as follows:-

- i. Land measuring 37 Kanals, 01 Marlas, bearing Khewat No.25, 34, 51, 52, and 53, situated at Mauza Kat, Tehsil Kot Adu, District Muzaffar Garh.
- ii. Land measuring 05 Kanals, 04 Marlas, bearing Khewat No.299, 304, 253 and 663, situated at Mauza Pirhar Sherqi, Tehsil Kot Adu, District Muzaffar Garh.
- iii. Land measuring 07 Kanals, bearing Khewat No.06 situated at Mauza Pattal, Tehsil Kot Adu, District Muzaffar Garh.
- iv. Land measuring 02 Kanals, 19 Marlas, bearing Khewat No.286, situated at Mauza Cahudhry, Tehsil Kot Adu, District Muzaffar Garh.

2. The said application was granted by order dated 04.10.2007. Ever since, several attempts have been made by the Official Assignee to comply the order of sale of the aforesaid properties towards satisfaction of the decree and his references bearing Nos.01/2009, 02/2009, 3/2011, 4/2012, 05/2012, 6/2012 & 07/2013, are all on the point that the efforts have been made through publication or otherwise to sell these properties. All such efforts have been frustrated, as no one has come forward to participate in the auction.

3. Official Assignee's Reference No.08/2013 is in continuation of the previous references and decree holder is again required to deposit Rs.98,400/- towards publication charges and for evaluation of the properties. The record shows that since 2007 publication charges and fees for evaluation has been paid by the decree holder several times but sale has not been effected.

4. The examination of the file and the immoveable properties, which are sought to be sold, indicates that all the four properties mentioned in the reference are situated at Tehsil Kot Adu, District Muzaffar Garh and these immoveable properties are agriculture lands.

5. There is hardly any likelihood in finding out any purchaser of agriculture land in Karachi and that's why the efforts so far made have not materialized. Therefore, in the above facts and circumstances since the properties sought to be sold are situated in District Muzaffar Garh and even the judgment debtor and since deceased now his legal heirs have never resided in the local limits of this Court, the decree is transferred to the Court of District &

Sessions Judge at District Muzaffar Garh for further proceedings
towards the satisfaction of the decree in terms of Section 39 of CPC
in accordance with law.

JUDGE

Karachi
Dated:03.01.2014

SM