

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.720 of 2005

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For hearing of CMA No.726/2010 (U/s.151 CPC)
 2. For hearing of Nazir report dated 08.6.2013
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24.01.2014

Mr. Muhammad Aziz Khan, advocate for the Plaintiff, who is also present in person.

Mr. K. A. Wahab, advocate for the Defendant No.1 to 10 & 12.

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This is a suit for partition of the property in which the plaintiff claims to have share by virtue of inheritance. Defendants have already purchased entire share of other legal heirs of deceased M. F. Shafi. During course of the proceeding of the case Plaintiff's share in the property was determined to the extent of 200 sq.yds and it was partitioned on the ground and the remaining property is in possession of the Defendant No.12. Plaintiff after having obtained his share to the extent of 200 sq.yds was in difficulties and therefore, he moved an application bearing CMA No.726/2010 seeking review of the order whereby demarcation has taken place. However, pending this application the plaintiff and the Defendants No.1 to 10 & 12 entered into a compromise. Plaintiff present in person alongwith his counsel and Defendants' counsel is also present. The Defendant No.12 was present in Court in the morning and informed the Court about intended compromise. The compromise application has been drafted by the counsel for the Plaintiff and it is signed by the Plaintiff and his counsel in Court. It also bears signature of counsel for the defendants No.1 to 10 and 12. Contents of compromise application are as follow:-

"It is respectfully prayed on behalf of the Plaintiff and Defendant No.12 that this Hon'ble Court may be pleased to dispose of application (CMA No.726/2010) on the following terms and conditions between the parties.

- i. That the defendant No.12 shall pay to the plaintiff a sum of Rs.57,00,000/- for his share in the suit property bearing Plot No.14/6-6 Block-4 Nazimabad Karachi.
- ii. That the Defendant No.12 shall deposit the aforesaid a sum of Rs.57,00,000/- with the Nazir of this Hon'ble Court within 15 days.
- iii. That the Plaintiff shall execute a sale deed / deed of relinquishment in favour of the Defendant No.12 within 30 days from today in respect of his 200 sq.yds share in the aforesaid property and on execution of the sale deed the Nazir shall release the amount of Rs.57,00,000/- to the Plaintiff.
- iv. That the defendant No.12 has agreed to purchase the share of the Plaintiff on as it is where is basis and all the dues in respect of the said property shall be paid by the Defendant No.12.
- v. That on failure of the plaintiff to execute sale deed / deed of relinquishment within the stipulated period the Nazir of this Hon'ble Court shall execute such deed in favour of the Defendant No.12 and thereafter the amount of Rs.57,00,000/- shall be released to the Plaintiff.

Prayed accordingly.”

CMA No.726/2010 as well as suit is disposed of in terms of compromise. Office is directed to assign CMA number to compromise application, which was filed in Court. Compromise application is also stands disposed of.

JUDGE

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