

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.63 of 2002

Date Order with signature(s) of Judge(s)

For Final Argument

04.02.2014.

Mr. Khalid Daudpota, advocate for the Plaintiff.

Mr. Azizuddin Qureshi, advocate for the Defendants No.1 to 7.

This is a suit for administration of the properties of the deceased namely Nawab Mian, which is pending since 2002. During the course of 12 years several properties of the deceased were disposed of to the satisfaction of the legal heirs of the deceased in terms of order dated 12.4.2004 and 12.7.2004 read with Nazir report dated 12.7.2004. The Nazir has taken over business of deceased by the name & style of Danish Shoes and ever since the business is being run in two shops combined into one shop under the supervision of the Nazir of this Court as reported in his report dated 12.7.2004 and relevant part in respect of “Danish Shoes” and other pending issue is reproduced below.

It is respectfully submitted that Danish shoe is being supervise by me. I have made my personal visits about 5 in number and posted one of my representative named Imran on 10.6.2004 during the business time who is noting the sale etc; however defendant Nos.8 and 13 are not paying the amount of Rs.400/- per day fixed by me for my representative as his salary from the sale proceeds. It is always in my visit submitted by the said defendants and in writing by their counsel that Danish shoe is not the property of deceased and he has filed the High Court Appeal against the order in this case in which notice has been ordered and undersigned may remove his representative. No sale proceeds being deposited by them. Inventory was prepared of the merchandise on 6.5.2004 of Danish shoes and it was noted of worth of Rs.7,16,420/-. The inventory of the goods/shoes were

already prepared by the defendant No.8 of the deceased according to them is also lying kept within the premises/residential house of defendant No.8. The house wherein defendant No.8 and 13 are residing is having the share of the deceased as it is in the name of their deceased father. The defendant No.8 submitted that he is ready to pay/deposit the share of deceased from the said property.

The entire proceedings with respect to distribution of share amongst the legal heirs except the assets mentioned in report above have already been concluded. In 2002 when the suit was filed all the defendants No.1 to 7 were minor. It is stated by the learned counsel that all the Defendants No.1 to 6 have obtained CNIC except Defendant No.7 namely Afrah. It is also stated by the learned counsel that Defendant No.7 shall also attain the age of majority in next 4 or 5 days. Since each of the defendants, who were legal heirs of the deceased are now capable to managing their share in the estate left by the deceased. It is ordered that the "Dansih Shoes", which is being run under the supervision of Nazir right from 2004 may immediately be fully taken over by the Nazir. He should make inventory of all the goods lying in the Danish Shoes without notice to anyone within 48 hours and seal the premises forthwith and submit report within one week before it could be handed over to the defendants No.1 to 7. Nazir is also directed to file complete statement of accounts of last 10 years regarding business as well as the amount of Rs.7,16,420/- mentioned in the report dated 12.7.2004. It is also admitted position in the report the Defendant No.8 is in occupation of property bearing House No.146-147 Area, Malir Colony Kala Board, Karachi and he had agreed to purchase share of deceased Nawab Mian in the said property which belong to the grandfather of the defendants No.1 to 7. Nazir is directed to ensure that the share of deceased Nawab Mian

is recovered from the Defendant No.8 after proper valuation of the property as today for distributing amongst the Plaintiff and defendants No.1 to 7 in accordance with Shariah. Nazir is to complete the exercise;

- (i) The sealing of the Danish Shoes within 48 hours after making proper inventory without notice to anyone.
- (ii) Submit valuation report with respect to the House No.146-147 Area, Malir Colony Kala Board, Karachi within one week.
- (iii) If agreed by the legal heirs, realize the value of share of deceased from the defendant No.8 and distribute amongst them, within one month.

JUDGE

SM