

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. 1565 of 2007

Date	Order with signature(s) of Judge(s)
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1. For Further orders in view of Court's order dated 18.2.2014.
 2. For orders on Nazir report dated 19.2.2014
 3. For orders on Nazir report dated 21.2.2014.
 4. For hearing of CMA No.2358/2014
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21.03.2014.

Syed Nasir Hussain, Advocate for the Plaintiff.
Ms. Muhammad Iqrar, Advocate for the Defendants
No.4, 5 & 6.

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Nazir references are taken on record. As per Nazir reference House No.3/1000, Liaquatabad No.3, Karachi, wherein the Defendants No.5 & 6 are presently residing belongs to the deceased. One Ajaz Ahmed has offered to purchase the said house in the sum of Rs.24,00,000/-. Counsel for the Plaintiff informs that since there is an offer of Rs.23,00,000/- from the brothers / legal heirs, therefore, they are ready to sale this property at the price of Rs.23,00,000/-. The offer is accepted. Nazir is directed to complete deal with respect to House No.3/1000 Liaquatabad No.3, Karachi with the Defendant No.5 and 6 within two weeks and realize the entire value of Rs.23,00,000/-. Nazir has already sealed shop No.46, situated on ground floor Saddar Co-operative Market, Abdullah Haroon Road, Karachi. It is reported that the Defendants No.4, 5 & 6 have refused to tender any account of business run in the said shop, which was actual business of the deceased Aleemuddin. The Defendants No.4, 5 & 6 have never paid single penny from the earning of the goodwill and business of the father since 2002 till date to the other legal heirs. Nazir report further suggests that no account has been

maintained and only few pages of copy has been handed over to the Nazir in the name of account of the business. This show Defendants No.4, 5 & 6 have dishonestly misappropriated all funds realized from the business and deprived their real sisters and other family members of their right of inheritance. In the circumstances, Nazir is directed to issue proclamation of sale of said shop and complete auction process within 30 days. Not a single penny to be paid from the sale of house and shop to the Defendants No.4, 5 & 6 pending this suit because before claiming their share of inheritance in these two properties the Defendants are under obligation to tender accounts in all fairness for the last 12 years of the family business and all the properties are in their possession and they are enjoying. Unless account is tender their share cannot be finalized. Their share has to be adjusted from the benefits which they have already taken so far. Nazir to complete the task of sale of the shop within 30 days and transfer of house on payment of sale consideration within 15 days.

JUDGE