

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Suti No.1668 of 2008

Date	Order with signature of Judge
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For hearing of CMA Nos:

- 1) 3432/2012 (u/s 151 CPC (Defendant)
 - 2) 9891/2012 (u/s 151 CPC (Defendant)
 - 3) 9892/2011 (U/O 7 R. 11 CPC (Defendant)
 - 4) For examination of the parties/settlement of issues
 - 5) For non-prosecution (notice of CMA No.12672/2012 not issued as cost not paid)
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12.01.2015

Mr. Mehmood Habibullah, Advocate for Defendants

1to3) Since 19.04.2012 counsel for the plaintiff is not attending this case. The perusal of the record shows that the plaintiff has filed this suit for cancellation of documents of the properties, which were purchased by the deceased in 1998. It is the claim of the defendant that in the year 1998 the plaintiff was student of intermediate and, therefore, he is even unable to earn a single penny. However, the plaintiff was claimed to be the purchaser of the suit properties as *benami*, which he has filed after eight years of the death of his father. After filing of written statement by the defendant on 29.12.2010, the plaintiff's counsel is avoiding to proceed with the suit. In the given circumstances, the Official Assignee is directed to inspect the properties in question and realize the rent of the subject premises from the occupants/tenants. Official Assignee should inspect the premises in presence of the defendants and after notice to the plaintiff. The rent so realized by the official assignee on the monthly basis should after every six months be deposited in any profit bearing scheme till the pendency of the suit. This exercise should continue after every six months. The Official Assignee should comply with the instructions within 15 days. The listed applications are disposed of in the above terms.

3&5) Adjourned to 06.02.2015.

J U D G E