

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.1394 of 2006

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

1. For orders on Nazir report dated 15.1.2015
2. For orders on Nazir report dated 2.10.2104
3. For orders on CMA No.1116/2013
4. For orders on CMA No.9314/2013
5. For orders on CMA No.2322/2013
6. For orders on CMA No.15652/2014
7. For hearing of CMA No.6095/2011
8. For hearing of CMA No.6096/2011
9. For hearing of CMA No.17390/2014

25.02.2015

None present for the Plaintiff.
Mr. Zahid Hussain, advocate for the Defendants No.3.
Mr. Kadir Bux Omerani, Official Assignee.

.-.-.

1& 9. Learned counsel for the Defendant through this application has claimed that an amount of Rs.3,25,000/- was deducted by the Official Assignee from the amount in family settlement whereby Defendant has offered to purchase the share of the Plaintiff. the Defendants have purchased share of the Plaintiff. In the sum of Rs.26,00,000/- and the amount of Rs.3,25,000/- was appropriated by the Official Assignee on the ground that Official Assignee fee in terms of Apendix-C Chapter-1 of Sindh Chief Court Rules showing the scale of fees of different items. It is admitted that position that it is family settlement and it cannot be treated as sale of the suit property. However, this amount was appropriated by the Official Assignee under the impression that there was order of sale even proclamation of sale was issued at the cost of the parties. However, nobody offer any bid and the sale was treated. Since this is a suit for administration and all the liabilities incurring in the disposal of

the property are to be distributed amongst the Plaintiff and the Defendants in terms of their share in accordance with sharia.

In view of the above legal, the appropriation of the fee by the Official Assignee was not consonance with the appendix C Chapter-1 of SCCR. It was supposed to be determined by order of the Court or deem fit as no fee is prescribed in the said chapter of SCCR, therefore, this application is allowed. However, Official Assignee shall retain Rs.25,000/- towards his fee of the Official Assignee in respect of transacting the deal between legal heirs of deceased and remaining amount of Rs.3,00,000/- shall be disbursed by the Official Assignee himself in accordance with sharia amongst the Plaintiff and the Defendants.

2 to 8. All other applications listed today have become infructuous; same are dismissed as suit stand finally disposed of.

JUDGE

SM.