

IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. B-12 / 2013

ORDER WITH THE SIGNATURE OF THE JUDGE

1. For orders on CMA No. 8902/2017
2. For orders on CMA No. 8903/2017

31.05.2017.

Mr. Saim Hashmi, advocate for the plaintiff alongwith Muhammad Umair Memon and Hamid Muhammad Khan, representatives of plaintiff bank.

Mr. Abdul Qayyum Abbasi, advocate for Defendants 1 to 5 alongwith Saqib Rafay, the Defendant No. 5.

Mr. M. Salim Thepdawala, advocate for the Defendant 6 to 11.

1. Granted.
2. Through this application under order XXIII rule 3, CPC duly signed for and on behalf of the parties and their respective counsel, the parties have sought a compromise decree in terms as contained therein. Mr. Saim Hashmi, the learned counsel for the plaintiff identifies the plaintiff's representatives, present in Court who admit their signature on the compromise application. Mr. Abdul Qayyum Abbasi, learned counsel for defendants 1 to 5 also identifies Defendant No. 5 who is also present in Court and admits his signature on the application and the contents of the application. Learned counsel for the defendants also filed power of attorney executed by Defendants 2 to 4 in favour of Defendant No. 5, Saqib Rafay authorizing him to enter into compromise on their behalf. Whereas Mr. M. Saleem Thepdawala, counsel for Defendants 6 to 11 has no objection to the compromise for the reasons as stated in para-7 of the compromise application that the property documents of Defendants 6 to 11 shall be released by the bank from its mortgage after receipt of the entire settled amount. Since the interest of Defendants 6 to 11 is fully protected they have no objection to compromise and on their specific instructions, the counsel pleads it in Court. Both the counsel request that the application may be granted and the suit be decreed in terms of the compromise application.

The application is granted. The suit stands decreed in terms of the compromise application. The suit against the defendant Nos.6 to 11 is dismissed.

J U D G E