

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

Suit No.1328 of 2011

DATE

ORDER WITH SIGNATURE(S) OF JUDGE(S)

For orders on CMA No.2563/2017(U/O 23 R 3 CPC)

15-03-2017

M/s.Muhammad Azhar Faridi, Syed Muhammad Abbas Haider and Atif Hafeez, Advocates for the Plaintiff.

Attorney of the Plaintiff Syed Maqbool Ali is also present.

Mr.Shahzeb Akhter Khan, Advocate for the defendant Nos.1 and 2.

Defendant Nos.1 and 2 are also present.

None present for other defendants.

Photocopy of power of attorney issued by the plaintiff is taken on record. Original seen and returned to his counsel.

The suit was decreed on 29.5.2013, thereafter, the counsel for the defendant Nos.1 and 2 filed review application under Section 114 of CPC read with Section 151 CPC (CMA No.8733/2013). During pendency of this review application, the plaintiff and the defendant Nos.1 and 2 have filed application under Order 23 Rule 3 CPC (CMA No.2563/2017). The application is duly signed by plaintiff and defendant Nos.1 and 2 as well as their counsel. Along with the application they have also attached copy of agreement dated 8.3.2017. In terms of agreement the parties have decided to withdraw all pending cases filed vice versa. The plaintiff has also agreed to relinquish his 1.82% share in the suit property i.e. 47/B, Queens Road, Lalazar, Karachi, while defendant Nos.3 to 6 have already relinquished their share in favour of defendant No.1 which fact is also

mentioned in the decree prepared earlier. Learned counsel appearing for the parties argued that in terms of the agreement attached with the compromise application they do not want to proceed further the review application and they request that the decree may be modified to the extent of the conditions mentioned in the agreement dated 8.3.2017.

By consent the compromise application is disposed of in the above terms along with the review application. Office is directed to prepare amended decree in terms of the agreement attached with the compromise application.

Judge

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