

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Civil Transfer Application No.74 of 2026

Date

Order with Signature(s) of Judge(s)

For hearing of main case.

14.10.2026

Mr. Ijaz Ahmed, Advocate for the applicant

M/s. Qazi Khalid Ali & Muhammad Irfan Siddiqui,
Advocates for the respondents.

Through the instant Civil Transfer Application, the applicant/defendant No.1, seeks transfer of Suit No.6137/2025 (*Re: M/s. Progressive Traders (Pvt.) Limited Vs. Mrs. Rabia Hamid & another*) from the Court of II-Senior Civil Judge, Malir-Karachi to the Court of VIII-Senior Civil Judge, East-Karachi for further proceedings and adjudication alongwith Suit No.982/2026 (*Re: Mrs. Rabia Hamid Vs. Muhammad Siddique Sheikh & others*) pending before the latter Court.

Heard, record perused.

It appears that Suit No.6137/2025 has been filed by the respondent No.1/plaintiff for specific performance of sale agreement, damages, declaration and injunction, *inter alia*, claiming that pursuant to the inheritance Settlement Agreement dated 24.03.2021, the applicant/defendant No.1 and the respondent No.1/plaintiff executed a Sale Agreement on 16th July, 2021 at Karachi, under which the applicant agreed to sell and respondent No.1 agreed to purchase all that piece and parcel of 14.585% of her shares in the Industrial Plot No.LC-40, situated at KDA Scheme-3, Landhi Industrial Estates, Karachi, admeasuring 18262 Sq. Yds. for a total sale consideration of PKR 104,328,400/-

(Rupees one hundred and four million three hundred and twenty eight thousands four hundred only) with vacant possession and marketable title. The respondent No.1 in the said suit has sought declaration that it has executed agreement for the purchase of 14.588% share in Plot No.LC-40, situated at the site of Landhi Industrial Estate Karachi, under Sale Agreement dated 16.7.2021 and full payment of Rs.104,328,400/- to the applicant in compliance of the Sale Agreement dated 16.7.2021 whereby she is bound to discharge her part of the contractual obligation in accordance with law.

Subsequently, the applicant filed Suit No.982/2026 against the defendants, including respondent No.1 as defendant No.10, for declaration, cancellation, administration, possession, partition, injunction, accounts and mesne profits, *inter alia*, seeking directions to the defendants to deliver up the original Settlement Agreement dated March 24, 2021 and cancel the same including the Agreement to Sell dated July 18, 2021, power of attorneys, agreements, or legal documents executed in favour of Muhammad Siddique Sheikh or any of the defendants in respect of any of the family properties, to the extent that the same in any manner restricts rights of the applicant in respect of her full share in the estate of her late father.

The aforementioned suits are pending adjudication in two different Courts/jurisdictions though to some extent bear common cause of action, counter claim and relief. Hence, in order to avoid conflicting judgments/decrees, it will be appropriate and in the interest of justice that both the suits be proceeded before the one and the same Court. Since Suit No.6137/2025 is earlier in time,

Suit No.982/2026 is withdrawn from the board of VIII-Senior Civil Judge, East-Karachi and transferred to the Court of II-Senior Civil Judge, Malir-Karachi for disposal in accordance with law.

The instant Civil Transfer Application stands disposed of.

CHIEF JUSTICE

Abrar