

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.761 of 2003

Date	Order with signature of Judge
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1. For orders on CMA No.9241/2017.
2. For orders on Nazir's Report dated 01.06.2017 as flagged.
3. For orders on CMA No.9009/2017.

05.06.2017

Mr. Nadeem Ahmed, Advocate for the Plaintiff
a/w Mr. Javed s/o M. Iqbal, Attorney of the Plaintiff.
Mr. M. Shahzad Ashraf, Advocate a/w the
Defendant No.1 Sabih Wali.

1. Urgency granted.
2. Nazir report is taken on record.
3. This is an application under Order 23 Rule 3 CPC filed by the plaintiff through attorney and the defendant No.1 to resolve the matter in relation to this suit for specific performance of contract dated 06.01.2003 for the plot No.105/II, 7th Commercial Street, measuring 300 sq. yards, Phase IV, D.H.A., Karachi. On last date Nazir report was called. The Nazir has submitted the report on 01.06.2017 showing some amount deposited by the plaintiff in pursuance of court order dated 06.09.2004. Now the parties have resolved the dispute amicably in terms of compromise. The plaintiff is being represented by his attorney M. Javed son of Muhammad Iqbal. He has also been conferred power to enter into compromise on behalf of the plaintiff.

The defendant No.1 is also present in court. The application has been signed by parties to compromise and their learned counsel also. Both learned counsel also confirm that the plaintiff in their presence agreed to the terms of the compromise and since he had to leave for Dubai urgently, therefore, he executed special power of attorney in favour of Mr. Javed which is taken on record. The application is also supported by the personal affidavits of the plaintiff's attorney Mr. Javed and defendant No.1 duly verified by the Identity Section Management System (ISMS), department of this court. In view of the above, the application is disposed of and this suit is decreed in terms of compromise. However, suit against the defendant No.2 is dismissed as withdrawn.

Judge

Asif