

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No.601 of 2008

Date	Order with signature of Judge
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1. For order on CMA No.14157 of 2017.

For hearing of CMA Nos.

2. 3113 of 2017.

3. 3488 of 2008.

4. 3489 of 2008.

5. 4049 of 2010.

6. 9941 of 2008.

7. 4547 of 2012.

8. 1457 of 2013.

9. 751 of 2016.

10. 3020 of 2016.

11. 9076 of 2016.

12. 9077 of 2016.

13. 13215 of 2016.

14. 9830 of 2016.

15. 13217 of 2016.

16. 7454 of 2017.

Dated 24.10.2017

Mr. Muhammad Tamaz Khan, Advocate for Plaintiff.

Mr. Adeel Abid, Advocate for Defendant No.1.

Mr. Mubarak Ali Shah, Advocate for Defendant No.4(1).

1). Notice to Defendant No.4 (i) to (v) as well as D.G. Pakistan Maritime Museum.

2). Deferred.

3). This is an Application (*CMA No.3488 of 2008*), moved by counsel for Plaintiff, seeking injunctive relief, however, with the passage of time and since partly amount has been distributed, the Plaintiff does not press this application, which is dismissed as not pressed.

4). This is an application (*CMA No.3489 of 2008*), moved by counsel for Plaintiff, which is also dismissed as not pressed as purpose of this application has been served as Defendants No.1 to 3 have submitted account details.

5). This is an application (*CMA No.4049 of 2010*), also preferred by counsel for Plaintiff, who states that this application has also become infructuous and he does not press the same, which is dismissed accordingly as not pressed.

6). Deferred.

7). This is an application under Order VII Rule 11 of CPC (*CMA No.4547 of 2012*), filed by counsel for Defendant No.4(i). Plaintiff's counsel has rightly pointed out an earlier order of 16.09.2011 when a similar application being CMA No.2428 of 2010 filed by said Defendant No.4(i) was dismissed by a detailed order. Instant application is of such a kind that only consumes the time of Court, but also that of genuine litigant and such practice cannot be allowed to prevail and should be curbed strictly. Therefore, CMA No.4547 of 2012 is dismissed with costs of Rs.5,000/- (*Rupees Five Thousand Only*) that will be payable by Defendant No.4(i) in the account of High Court Clinic.

8). This Application (*CMA No.1457 of 2013*) is also not pressed by Plaintiff's side as he has filed fresh application and today notice already issued, therefore, this CMA is also dismissed as not pressed.

9). Application (*CMA No.751 of 2016*) has also become infructuous as the present cause has been converted into a fast track, thus, the same is dismissed being infructuous.

10). Application (*CMA No.3020 of 2016*), in which the Defendant No.4 is seeking a direction that Defendants No.1 to 3 should be proceeded against for committing the Contempt of Court. For this already CMA No.9077 of 2016 is pending, which has been filed under

the Contempt of Court Act, therefore, this CMA No.3020 of 2016 is just a repetition and being meritless is accordingly dismissed.

11-12). Deferred.

13-14). Deferred.

15). CMA No.13217 of 2016; it appears that again this application is repetitive in nature as already in earlier CMA No.9830 of 2016 and 13215 of 2016 Defendant No.4 (i) is seeking the same relief, *inter alia*, release of amounts under the head of Insurance Policy, therefore, this CMA No.13217 of 2016 is also dismissed being meritless.

2). In view of application filed by Plaintiff in the shape of CMA No.7454 of 2017, the Plaintiff's counsel does not press instant CMA No.3113 of 2017, which is also dismissed as not pressed.

After hearing the counsel for the parties it is further ordered that Defendant No.1 (*Alico AIG, LIFE*) will deposit the remaining amount of Insurance Policy with the Nazir of this Court within a week from today. In this regard, Nazir will submit his Report and after a specific Court order, the amount be further disbursed / released to legal heirs in accordance with their respective shares, or, the same may be ordered to be invested in some profit bearing scheme.

Since the matter primarily relates to distribution of inheritance amongst the legal heirs, thus, in terms of Order XX Rule 13 of CPC, let in the first instance, a Preliminary Decree be passed and drawn up. Order accordingly. Nazir will take further proceeding in pursuance of the Preliminary Decree.

Adjourned.

JUDGE