

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No. 774/2013.

Date	Order with signature of Judge
------	-------------------------------

For hearing of CMA No. 11070/2018

09-04-2019

Plaintiff No.1 present in person.
Mr. Qamar Riaz Virk, Advocate for defendants No.1&2.

With reference to the order of previous date, learned counsel for defendants No.1 and 2 submits that except the plaintiff, all the other three legal heirs are not willing to dispose of the property. Plaintiff No.1, who is also advocate submits that pursuant to the directions of this court dated 27.2.2019, Nazir was appointed as Commissioner to inspect the said property and submit his report whether the property in question can effectually be partitioned or not? Pursuant to the directions of this court, the Nazir has submitted his report dated 20.03.2019, which was taken on the record on 21.03.2019. From the report, it reflects that the subject property cannot be partitioned under the law.

From the record, it appears that the present suit instituted, interse, amongst the legal heirs of the deceased namely Dr. Nusrat Mehfooz Khan (died on 21.01.2012) for administration and partition of the suit property left by the deceased.

Since there appears no dispute over the instant suit property and so also upon legal heirs of the deceased, therefore, preliminary decree is passed in the instant suit and the Nazir of this Court is appointed as Administrator to take further proceedings as per law and is directed to evaluate the above said immovable property first, thereafter the same will be put into public auction.

The fee of the Nazir shall be as per rules. Parties are at liberty to file their claim, if any, before the learned Administrator. Office is directed to prepare preliminary decree as per rules.

JUDGE