

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 1020 of 2018

Order with signature of Judge(s)

1. For orders on Nazir Report dated 08.08.2018
2. For hearing of CMA No.7685/2018
3. For hearing of CMA No.7686/2018
4. For hearing of CMA No.10547/2018
5. For hearing of CMA No.11004/2018

15.08.2018

Mr. Zahid Marghoob, Advocate for the Plaintiff

1. Nazir report dated 08.08.2018 is taken on record subject to all just exceptions and objections.

Malik Muhammad Ejaz, Advocate files Vakalatnama on behalf of Defendant No.3, which is taken on record. Learned counsel for the Plaintiff by way of background submits that the property in question bearing Plot No.227, Saudagaran Cooperative Housing Society, Near Shamsi Society, Malir Halt, Karachi was allotted to late husband of the Plaintiff vide Allotment Order dated 22.05.1983 and was in possession. The Court has been informed that husband of the Plaintiff namely Muhammad Shariq expired sometimes in the year 2013, whereafter with connivance of the Administrator seemingly alterations were made in the allotment letter and illegally it was transferred to the defendants who commenced construction on the said plot. This Court vide order dated 05.07.2018 restrained the Defendant Nos.2 and 3 from raising any further construction on the said plot however as these orders were flouted, the counsel sought intervention of this Court seeking inspection of the property, which request was granted vide order dated 27.07.2018. Nazir report suggests that the construction was in progress at the premises. Counsel contends that defendants are bent upon flouting orders of this Court and changing the character of the plot.

Learned counsel for Defendant No.3 gives verbal undertaking that the defendants will cease from any further construction, however the Court is not satisfied with the verbal undertaking.

In the circumstances, Nazir of this Court as an interim measure is directed to proceed with sealing the premises with his seal and at the expenses of the Plaintiff appoint one Guard at the premises till these orders are varied by this court upon new material coming on the record.

Interim order passed earlier to continue till the next date of hearing.

JUDGE

Barkat Ali, PA