

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
SMA No. 141 of 2017

Order with signature of Judge(s)

1. For hearing of CMA No.547/2018
2. For hearing of main petition

18.09.2018

Mr. Farooq Akhtar Shaikh, Advocate for petitioners

1. Through instant application, orders are sought in respect of the ancestral property bearing House No.B-95, Block-N, Improvement Scheme No.2, North Nazimabad Karachi which is in possession of the Objector that the Court may take possession of the property for necessary action.

By way of background, Court has been informed that the petitioners-two sisters (senior citizens) moved this SMA for the distribution of the aforementioned ancestral property amongst eight sisters and two brothers, out of which one brother has already expired and his legal heirs brought to record, in accordance with sharia. However, since the property is in possession of the Objector (one of the brother), he is not letting the instant application proceeded by raising groundless objections thereto. Court has been informed that amongst 10 legal heirs, 9 are interested to have the property sold, of which original title documents are already in possession of the petitioners, which they have shown to the Nazir of this Court.

This application is accordingly disposed of with direction to the Official Assignee to take over the original title documents from the petitioners and put the above property for sale by public auction by placing advertisements in leading newspapers, where legal heirs will have right to participate, as well as match highest bid. Cost incurred in conducting this exercise will be deducted from the equivalent share of all the legal heirs. Let Official Assignee file his report within 15 days as to what progress has been achieved.

2. Deferred.

JUDGE