

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**JM No. 29 of 2016**

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Order with signature of Judge(s)

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1. For orders on Official Assignee's report dated 01.08.2018
2. For hearing of CMA No.10699/2016
3. For hearing of Main Application

**13.09.2018**

Mr. Nasrullah Malik, Advocate for applicants  
Mr. Abdur Rahman, Advocate for Respondent Nos.1 and 2  
Mr. Parvez Ahmed Mastoi, AAG  
Dr. Chaudhry Wasim Iqbal, Official Assignee

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The Official Assignee has submitted his report dated 28.07.2018, which is taken on record subject to all just exceptions and objections. Report narrates the details of Commission's visit in compliance of this Court's order dated 30.04.2018 where the Official Assignee was mandated to inspect the subject land and to report about the number of structures/houses/shops that exists on the suit land and on-going construction if any as it was alleged that those constructions were carried out during the pendency of Suit No.1561 of 2010 where status quo order was operating as of 11.10.2010 that no third party interest be created. The suit was decreed on 29.05.2014 on the response from the Land Utilization Committee that sanction given to the Village Darya Khan at Sr.35 was cancelled. However, the applicants claiming to be residents of Darya Khan Village have filed this 12(2) application alleging that the judgment and decree was obtained practicing fraud and misrepresentation. In support of his contention, learned counsel placed reliance on the documents attached at D-3 dated 6.4.2012 in terms of which at Sr.35 the village Darya Khan was approved where upon lease hold rights for 99 years were given to occupants/inhabitants of built up units. Per counsel, having the village sanctioned allotment letters were issued.

As an example, Court was taken to page-139, where a typical allotment letter has been produced which clearly shows that the land was leased for 99

years under Notification No.09/298/03/983/08/SO-I dated 21.11.2008 relying on certain Statement of Conditions.

Learned counsel for the applicants to place a copy of the said notification on file and peruse the same before the next date of hearing as this will have serious implications on the present case.

Adjourned. Learned AAG claims copy of the counter affidavit which the counsel to supply in the course of the day.

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

JUDGE