

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

IInd Appeal No.95 of 2010

Date	Order with signature of Judge
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1. For hearing of CMA No.7359/2016 (U/s.151 CPC)
2. For hearing of CMANo.4312/2010 (stay)
3. For hearing of Main Case

26.10.2018

Mr. Abdul Wajid Wyne, advocate for petitioner.
Mr. Javed Ahmed Rajput, advocate for Respondent.

The only controversy reduced to the level is that whether the balance sale consideration has been deposited by the Respondent in terms of the learned trial Court order before the Nazir of the learned Trial Court or not. The order of the trial Court says that an amount of **Rs.2,00,000/-** has been deposited by the Respondent / defendant before the trial Court. However, after having made several inquiries by the learned counsel for the appellant, the learned counsel for the appellant says that no such amount has been deposited. Therefore, by consent, it is ordered as follows:-

That the learned counsel for the appellant shall file an application for withdrawal of the amount mentioned in the judgment and decree if that application is not allowed or if the report of the Nazir comes to the effect that no amount was deposited with the Nazir towards balance sale consideration then appeal shall be deemed to have been allowed and both the orders of the trial Court will be vacated. In case the amount is found already deposited as far as back in 2006 then the appeal will be deemed to have been dismissed. Such an application should be filed by the appellant in Execution proceeding.

In view of the above, this IInd Appeal is disposed of.

JUDGE