

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

R.A. No.203 of 2009

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of CMA 2341/19

17.02.2020

Mr. Parkash Kumar, Advocate for applicants.

Mr. Nandan A. Kella advocate for respondents / applicants.

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This revision application was disposed of vide judgment dated 01.10.2019. Learned Single Judge while disposing of this revision application maintained that a part payment of the sale consideration was not paid within time and in comparison to the land and the total sale consideration in lieu thereto, it was about 30.56% of the amount which remained unpaid. The total sale consideration was Rs.3,60,000/-, whereas, the amount admittedly paid was Rs.2,50,000/-. Though at the time of registration of the sale deed by Nazir of trial court, the balance amount of Rs.1,10,000/- was paid, however, this court observed that the balance amount since paid belatedly it is to be paid in terms of the current market value.

Learned counsel for the respondents is of the view that the current market value is same as mentioned in the plaint. I have outrightly rejected this proposition of respondents' counsel. Had it been the same, the condition would not have been imposed by the learned Judge while disposing off this Revision. This contention is only meant to delay and further drag the proceedings. The copies of orders whereby this revision application was disposed of as well as this order be sent to the concerned Sub-Registrar that this sale deed is defective in the sense that the current market value of 30.56% of the land has not been paid and unless and until the present market value to the extent of 30.56% is paid, this sale deed would not confer proper title over the entire land. The orders be forwarded to the concerned Sub-Registrar. The concern of the respondents is that this current market value be ascertained. I am afraid this court becomes functus officio once the order was passed, however, the law will take its own course as far as determination of the current market value is concerned. They may have recourse either before executing court or civil court and unless the wisdom expressed by the learned Single Judge while disposing of this revision

application is implemented in the letter and spirit the title as acquired in terms of the sale deed may not be conferred unless otherwise described by the learned Single Judge. The application being misconceived is dismissed with cost of Rs.5000/- to be deposited in the High Court Clinic.

JUDGE

Ali Haider