

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
Suit No.28 of 2021

Date	Order with Signature of Judges
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1. For orders on CMA No.143/2021.
2. For orders on CMA No.144/2021.

08.01.2021 :

Mr. Mukesh Kumar G. Karara, advocate for the plaintiff.

- 1) Urgency granted.
- 2) It is contended, inter-alia, that the plaintiff purchased the plot No.H-76, measuring 0.50 situated at Sindh Industrial Trade Estate, Superhighway, Phase-II, Karachi by way of mutation, however, respondent No.4 has an evil eye on the subject property without title documents. Per learned counsel respondent No.2 issued the letter dated 27.01.2016 whereby his mutation was canceled without hearing him. Per learned counsel, the defendants No.1 to 3 are bound under the law to execute the proper lease deed/assignment deed in his favour in respect of the suit property, however, they have refused to do so compelling the plaintiff to approach the learned Division Bench of this Court by filing C.P No.D-2062/2016, which was dismissed vide order dated 01.02.2018 on the premises that no writ could be issued based on any agreement under constitutional jurisdiction and the matter required evidence; that the plaintiff has approached this Court on the ground that the defendants have received the requisite payments and are required to perform their duties by executing lease deed in his favour. Per learned counsel he has good prima-facie case in his favour, as such the respondent may be restrained from interfering in his peaceful possession of the subject property.

In view of the statement of the learned counsel for the plaintiff, let at the first instance notice be issued to the defendants as well as AAG for 21.01.2021. However, so far as subject property is concerned, the parties shall act strictly in accordance with the law.

JUDGE

Shahzad