

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 240 of 1971

Order with signature of Judge(s)

1. For orders on CMA No.18886/2021
2. For hearing of CMA No.16697/2017
3. For Final Arguments
4. For orders on CMA No.19745/2021 (u/s 151 CPC)

16.11.2021

Khawaja Shamsul Islam, Advocate for the plaintiff
Mr. Ziauddin Ahmed Junejo, AAG
Mr. Yawar Farooqui, Advocate for defendant No.8
Mr. Faisal Siddiqui, Advocate for applicant/intervener
Mr. Abid Naseem, Advocate for the applicants/intervenors
Mr. Zahid Abbas Akhund, Director, Culture, Tourism, Antiquities
Archives Department, Government of Sindh
Mr. Khair Muhammad, Representative of Official Assignee

Mr. Khair Muhammad, Representative of learned Official Assignee files Reference No.01 of 2021, which is taken on record subject to all just exceptions and objections, if any. Learned AAG submits that the learned Advocate General, Sindh is out of country, who will proceed with the matter on the given date.

It appears that order of this Court dated 13.10.2021 has been impugned through HCA No.208 of 2021, where order dated 08.11.2021 has been passed with regard to the handing over possession of the building i.e. Qasr-e-Fatima (previously known as Mohatta Palace).

With regards to the other part of this Court's order dated 13.10.2021, particularly on the last page as to recovery of properties in Schedule "A" (page 79) counsel states that admittedly none of those assets have surfaced and as per his knowledge some valuable assets have been found in possession of certain individuals. Let a statement be filed in this regard giving names and details of the individuals to whom the inquiries be made in respect of these assets.

With regards un-earthling, locating and taking over possession of above-mentioned debits and securities, Mr. Justice (Retd) Faheem Ahmed Siddiqui is appointed as Commissioner under order XXVI with powers of rule 16 thereof read with applicable provisions of Schedule-I, Appendix D-17 [re: order XX rule 13] to take all necessary steps to find

out whereabouts of these debits/securities; to conduct inquiries in respect thereof; to order for handing out of all sums of money, scripts and all other assets, which shall be found to have come to the hands of any individual, or for their use; to receive all out-standings. Let Justice (Retd) Siddiqui be joined by any likeminded individuals (as per his discretion) to assist him:-

DEBITS (as of 29.10.1970)

(1) The outstanding balance of the credit of current account No. 2355 of the deceased with Foreign Exchange Branch of Habib Bank Limited Karachi. Rs. 5,61,760.80/-

(2) The outstanding balance to the credit of current account of the deceased with National & Grindlays Bank Limited, Mcleoad Road, Karachi. Rs. 4,952.17 Total Rs. 5,66,712/-

SECURITIES (as of 29.10.1970)

(3) 3000 shares of the face value of Rs. 5.00 each of Habib Bank Limited valued at the market rate of Rs.17.25 per share Rs.51,750.00. Unpaid dividend warrant No.25C/5683. Rs. 550.00

(4) 4500 shares of Karnaphuli Paper Mills Limited of the face values of Rs.10.00 each valued at the market rate of Rs.13.25 per share. Rs. 59,625.00

(5) 3511 shares of Rs. 10.00 each of Pakistan International Airlines Corporation Limited valued at the market rate of Rs. 13.00 per share. Rs.45,643.00

(6) 250 Preference shares of Rs. 100.00 each of;
And
2500 Ordinary shares of Rs. 10.00 each of Hyderabad Tanning & Shoe Manufacturing Co. Limited in liquidation-Market value. Nil.

(7) 300 Ordinary shares of Rs. 10.00 each of Rawalpindi Electric Power Co. Limited valued at the market rate of Rs.13.20 per share. Rs. 3,960.00 Grand total Rs.7,28,240,97.

(8) 3050 shares of Sui Gas Transmission company of the face value of Rs. 100.00 Rs. 143.00 each, Rs. 4,36,150.00

(9) 31680 shares of Adamjee Industries Limited of the market value of Rs.15.80 each. Rs. 4,77,735.00

(10) Jewelry, Furniture, Fixtures, Fittings, Cutlery, Crockery, Silver ware, books, carpets etc all lying at "Qasr-e-Fatima". (Mohata Palace) Clifton, Karachi, estimated value Rs. 4,00,000.00/-

(11) Four cars, namely Cadillac, Mercedes, Chrysler and Packard, in the possession respondent No.5 estimated value Rs.1,00,000/-

Term of the Commission is set to be three months with fee of Rs.100,000/- payable by the plaintiff.

Let a report be called from the concerned Deputy Commissioner (South) Karachi with regards to the following properties, who to personally bring the original documents pertaining to these plots on the next date of hearing:-

<u>Plot No.</u>	<u>Area</u>
(i). CF-1-5/7.	2172 S. Yards.
(ii). CF-1-5/7a.	1295
(iii). CF-1-5/8.	3308
(iv). CF-1-5/8a.	<u>3629¼</u>

Learned counsel for the plaintiffs waives notice of CMA No.19745 of 2021 and receives copy thereof.

To come up on 08.12.2021 at 11:00 a.m. Let a copy of this order be sent to Mr. Justice (Retd) Faheem Ahmed Siddiqui by Registrar of this Court.

JUDGE