

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.1918 of 2010

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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1. For orders on CMA No.290/2022 (Urgent).
2. For orders on CMA No.291/2022 (151 CPC).

12.01.2022

Ch. Khalid Rahim, Advocate for the plaintiff.
Mr. Muhammad Tariq, Advocate for the defendants.
Defendants Nos. 1 to 4 are present in person.

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1. Urgency granted.
2. This is an application under Section 151 CPC filed by defendants No.1 to 4 which is requested to be read as Order 23 Rule 3 CPC as they, out of mutual settlement and agreement, have surrendered their share in the suit property in favour of the plaintiff. Both the counsel are in attendance. Defendant No.1 Muhammad Iqbal Khan has appeared through his attorney Abid Iqbal Mufti, whereas, defendants No.2 to 4 have appeared in person (Certified copy of power of attorney seen and returned). They have given their consent as far as the surrender/transfer of their share in favour of the plaintiff is concerned. They submit that their share be considered to be relinquished in favour of the plaintiff, that arises out of sale deed attached with this application.

I have perused the sale deed which disclosed that defendant No.1 is the only vendee who has now surrendered his share in favour of the plaintiff and hence there is no role as far as defendants No.2 to 4 are concerned. Be that as it may, even they have consented to the same. Consequently, the controversy seems to be concluded when defendant No.1 has surrendered his share in favour of the plaintiff and accordingly, as agreed by the counsel and respective parties, the suit is decreed in the terms mentioned in the application. However,

for the purpose of stamp duty it may be referred to the concerned sub-registrar, if any stamp duty is leviable on it before a title could be finalized. The office is directed to draw the decree accordingly incorporating terms of this application.

The suit is decreed in the above terms. The pending applications are also disposed of.

JUDGE

Ayaz Gul