

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.210 of 2020

Date	Order with signature of Judge
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1. For orders on CMA 3456/22
2. For orders on CMA 3300/22
3. For orders on CMA 3301/22

Dated: 07.03.2022

Mr. Muhammad Zahid Kabeer for plaintiffs.
Mr. Ghulam Murtza for defendants.

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1) Urgency granted.

2&3) Through these applications parties seek compromise decree. This is a suit for administration of the immovable properties filed by legal heirs of deceased Yasin Mirza and Shiraz Bano, parents of plaintiff No.2 and defendants No.1 and 2. One of the legal heirs/son of deceased parents i.e. Rehman Yasin Mirza expired on 02.12.2018 who survived by plaintiff No.1 and a minor daughter. Perusal of compromise application shows that one of the legal heirs of deceased Rehman Yasin Mirza was not disclosed in the memo of plaint, which fact is ascertained from NADRA certificate attached. Terms of compromise are reproduced as under:-

“That the immoveable Suit properties shall be transferred in the name of plaintiffs and defendants and nobody shall have objections for mutation/transfer of immovable suit properties in name of all legal heirs.

That the immoveable properties i.e. Flat No.C-6, 2nd Floor, Erum Centre, Plot No.Fl-21, Gulshan e Iqbal, Block 16, Karachi and House No.627/C-2, Block-2, PECHS, Tariq Road, Karachi. Shall be sold out and sale proceeds shall be distributed between parties of suit as per Islamic Law of inheritance.

National Saving Certificates shall be en-cashed by Nazir of Court and shall be distributed among legal heirs as per Sharea.”

This compromise amounts to depriving minor namely “Sukoon Rehman Mirza” of her lawful share in the properties. The proposed compromise is absolutely contrary to the rights of minor. They should have disclosed all such facts in suit as well as in the application and it

would be up to Court either to release share of the minor to Guardian Ad Litem or to retain it under a deposit scheme, with the Nazir of this Court. However entire plaint and these applications are silent in respect of share of the minor. I would take it as if minor is being deprived of her lawful share deliberately. Parties thus have approached this Court with tainted hands for the above cause and hence I would not entertain this application for compromise which is accordingly dismissed with cost of Rs.25,000/- to be deposited by the plaintiffs and defendants in equal share with the High Court Clinic in two weeks' time.

Judge