

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Misc. Appeal No.24 of 2021

Muhammad Rameez Dar

Versus

Learned IX-Additional District & Sessions Judge Karachi south

Date	Order with signature of Judge
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1. For orders on CMA 2261/21
2. For orders on CMA 2262/21
3. For hearing of main case
4. For orders on CMA 2263/21

**Dated: 16.04.2021**

Mr. Muhammad Awais along with Mr. Bilal Azam Shaikh for appellant.

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An application for Success Certificate and Letters of Administration was filed by the legal heirs of deceased Shaheen Liaquat. Her husband had expired long time back in the year 1993. She is now survived by three daughters and a son, as disclosed in paragraph 4 of the memo of petition. Schedule of property discloses two properties one being immovable property bearing Flat No.1, First Floor measuring 990 sq. feet situated on Plot No.83-C, 24<sup>th</sup> Commercial Street, Phase-II Ext. DHA Karachi and the other Bahbood Saving Certificates regarding which valuation certificate was issued by National Saving Center which disclosed its face value as Rs.640,000/- and perhaps according to the learned counsel its matured valuation is not more than 1 Million.

There is nothing on record to ascertain as to how learned Additional District Judge came up with the valuation of immovable property at Rs.1,50,00,000/- as schedule of property discloses it at Rs.10 Million. Unless otherwise evidence and material is available, such statement/schedule which is filed along with memo of petition should not have been discarded or ignored. Learned counsel for appellant

submits that he made a request to the Court for evaluation of the property through some estate agent however such request was not taken into consideration. He has now placed before this Court along with memo of appeal a valuation of property made by estate agent namely Habib Associates which discloses the value of the immovable property as Rs.10 Million.

I am, therefore, of the view that the valuation of immovable property is ascertained by the learned Additional District Judge on his own presumption. If he was of the view that the valuation of the immovable property is more than what is disclosed in the memo of petition and/or schedule attached to it, he should have appointed some reliable estate agent to ascertain the actual value. I therefore set aside the impugned order and remand the case to IX-Additional District Judge Karachi South for a decision in accordance with law. In case valuation is to be ascertained, appropriate procedure may be undertaken by the Court.

Appeal stands allowed in above terms.

**Judge**