

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

BEFORE:

**Mr. Justice Muhammad Shafi Siddiqui**

Suit No.792 of 2011

Mrs. Atiya Sultana

Versus

KESC Employees Cooperative  
Housing Society Ltd. & others

Date of Hearing: 09.10.2015

Plaintiff: Through Mr. Rizwan Ahmed Siddiqui  
Advocate

Defendants No.1 to 3: Not represented.

Defendant No.4: Through Mr. Ale Maqbool Shah, Addl. A.G.

**J U D G M E N T**

**Muhammad Shafi Siddiqui, J.**- In this suit for declaration, permanent injunction, possession and cancellation of lease deed, plaintiff has prayed for the judgment and decree against the defendants in favour of the plaintiff in relation to Plot No.C-21, Block-C, KESC Employees Cooperative Housing Society, Karachi, admeasuring 400 sq. yards. Notices and summons were issued to the defendants, in response whereof defendants No.1 and 4 have filed their written statement while defendants No.2 and 3 failed to respond and consequent thereof they were declared exparte in terms of order dated 16.03.2015.

I have heard the learned counsel for the plaintiff and perused the material available on record.

The defendant No.4 is a formal party being Micro Filming Officer while defendant No.1 has unequivocally admitted that it was the Administrator who did such illegal acts at the relevant time by executing

subject lease deed and hence it amounts to an admission on the part of defendant No.1 insofar as the execution of purported sublease is concerned and application to that effect has already been filed and in terms of order dated 05.10.2015, such application is to be decided along with main suit.

The plaintiff has filed this suit through attorney who is present in person. He has also filed his affidavit in exparte proof. The plaintiff has filed the documents such as letter of allotment, site plan, receipts of payment made to the Society/defendant No.1 and indenture of lease between the Society/defendant No.1 in support of his claim in respect of the suit property. The averments of the affidavit have gone unrebutted and unchallenged as the defendants No.2 and 3 have declared exparte while defendant No.1 and 4 otherwise support the claim of the plaintiff. The original documents have also been produced before the Court, which are verified/compared with the photocopies attached with the plaint and found to be the same. The originals after seeing have been returned to the plaintiff. Learned Addl. A.G. though is present but he submits that there is no prayer as against defendants No.3 and 4.

In view of the above, since claim of the plaintiff is admitted by defendants No.1 and 4 while the defendants No.2 and 3 have already been declared exparte, I see no impediment in granting the relief as prayed by the plaintiff in the suit.

Accordingly, in view of the above the suit of the plaintiff is decreed as prayed however with no orders as to costs.

Dated: 09.10.2015.

**Judge**