

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 1846 of 2009

Order with signature of Judge(s)

1. For orders on CMA No.566/2021 (u/s 151 CPC)
2. For hearing of CMA No.1251/2018 (u/s 151 CPC)
3. For evidence

11.08.2021

Ms. Tabasum Hashmat, Advocate for the plaintiff
Mr. Anwar Hussain, Advocate for defendant Nos.1 and 2
Mr. Nishat Warsi, Advocate for defendant Nos.3 to 6

Court's attention has been drawn to order dated 03.03.2011, where the plaintiff claiming that he was 50% shareholder of property No.1 i.e. Grace Marriage Hall situated at Korangi No.2½, Karachi, agreed that rest of the properties i.e. from Sr. 2 to 5 were in the name of late Kamaluddin Qureshi and be distributed in accordance with Sharia amongst the legal heirs. Nazir was directed to take over possession of these properties and to collect rents and income generated therefrom. Nazir is reportedly distributing these amounts amongst the legal heirs. Counsel next contends that the application fixed today at Sr.2 was moved by the counsel for defendant Nos.3 to 6, where a request has been made for auctioning of properties listed at Sr. 2, 3 and 5. Learned counsel for defendant Nos.1 and 2 states that while defendant No.1 is forgoing his share in the property listed at Sr. No.1, let property No.4 also be added in the list of properties to be auctioned and proceeds thereof be divided amongst the legal heirs in accordance with law. Learned counsel for the plaintiff renders no objection to the proposals, however submits that at best the plaintiff would have 50% share of the property No.1 independently and his intention is to keep the said property for himself and he is ready to acquire the balance 50% share for the said property through the proceeds emanating out of the sale of the remaining four properties.

With the consent of the counsels, it is accordingly ordered that at the first instance an exercise to determine market value of these five properties be made by the Nazir of this Court through at least three reputable Estate Agents of the area. Let this exercise be completed within a months' period with cost of Rs.25,000/- payable to the Nazir through the proceeds already generated and available with the Nazir from these properties. The Nazir while seeking valuation should also keep in mind that some of the properties are in the possession of the legal heirs or rented out to third parties, their valuation would be sought as vacant, as well as, on "as and where is" basis. Let Nazir file his report after thirty days when the matter is to come up.

Court has been informed that property tax in respect of property No.4 has been accumulating over the years while proceeds of rental income are also collected by the Nazir for this building. A request is made that the Nazir forthwith make payment of tax pertaining to the property No.4 out of rentals income received by him from the said property upon the counsel for defendant Nos.3 to 6 handing over latest receipts/bills to the Nazir of this Court. Ordered accordingly.

JUDGE

Barkat Ali, PA