

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No. 233 of 2010.

Date	Order with signature of Judge
	<ol style="list-style-type: none">1. For further orders on CMA No. 8226 of 2015. For hearing/ Arguments.2. 11208/14.3. 16313/14.4. 6730/15.5. For arguments. <p><u>30.03.2017.</u></p>

Safdar Ali, advocate alongwith plaintiff Shaheen Akhtar and Mst. Rubina Khakhan.
M/s. Noor Naz Aga, Advocate and Meerza Shaharyar, Advocates.
Malik Altaf Jawed, Advocate alongwith Mst. Rubina Nausheen.

At the outset, Schedule B of properties is reproduced hereinbelow:

- a) House No. MC-230-AM GREEN TOWN Shah Faisal Town Karachi (1000 yards).
- b) Special Saving Certificates worth Rs. 5000000/- Fifty lacs issued by National Saving Centre Malir Kala Board Branch of Shahra-e-Faisal Karachi; including its up to date due profits.
- c) Plot No.37-A, Sector A/B-28, LDA Scheme 42, Hawks bay Karachi.
- d) Plot No.R-634, Block 49, Scheme 42, Hawks Bay Karachi.
- e) Plot No.6/178, Mohalla Awana, Rangpura, Siyalkot, Punhab.
- f) A residential Plot No.B-197, Survey No.108/101, K-28. Trans Liyari, Ovais Qurni Town admeasuring 500 sq. yards in KMC Officer Cooperative Housing Society Ltd., duly sub-leased in favour of Akhtar Hussain S/o Qurban Ali, indenture of the above mentioned properties are annexed herewith and rest are in the custody /possession of deceased's third wife Mst. Rubina Nausheen.
- g) 22 Karat Gold Ornaments/Jewelery weighing 50 Tolas. (Fifty Tolas). Is in the custody and possession of Mst. Rubina Nausheen.
- h) A Motorbike, make Honda Model 1990 bearing Registration No. KBC. Presently in custody and possession of Mst. Rubina Nausheen.
- i) Deceased Akhter Hussain S/o. Qurban Ali's monthly pension amount" as retired Administrative Officer and subsequently a deceased employee of Karachi Building Control Authority (KBCA) to be paid to his above named heirs, successors i.e. both the widows.

- j) All the sums of money to be paid by the KBCA as death benefit of Late Akhter Hussain S/o. Qurban Ali as retired and deceased Administrative Officer to his above named heirs and successors.
- k) Insurance Scheme, collectively managed by KBCA management.

After arguing the matter at length, respective parties have reached to the amicable settlement on the following terms:-

- 1) Property mentioned above at Sr. a) i.e. House No. MC-230-, which was gifted in favour of Mst. Rubina Nauseen, would be deemed as property of deceased Akhtar Hussain on the statement of Mst. Rubina Nausheen that she voluntarily gives up her right of gift and this house shall be transferred in the name of all legal heirs including her.
- 2) With regard to property mentioned above at Sr. No. b) i.e. Saving Certificates, report in compliance of order dated 28.03.2017 has been submitted by the Officer Incharge, National Savings Centre, Shah Faisal Colony, Karachi, which says that Mr. Akhter Hussain opened Pensioner's Benefit Account jointly with his wife Mst. Rubina Nausheen of Rs.3,000,000/- on 07.10.2008 and subsequently profit on that account i.e. Rs.1,810,376/- was transferred to the Nazir of this Court, to be released in favour of minors of Mst. Rubina Nausheen and only Mst. Rubina Nausheen is sole owner of this investment, as per form this was joint and was to be receivable /encashable jointly or payable to either and now only survival is Mst. Rubina Nausheen, hence she is entitled of this account alongwith profit. After this report plaintiffs present in Court alongwith counsel waive their right on this amount and have extended their no objection if same is transferred in favour of Mst. Rubina Nausheen. Manager National Saving Center shall ensure that amount lying in Account No. 671 is handed over to Mst. Rubina Nausheen within a week.

3) With regard to properties mentioned above at Sr. Nos. c), d), e), and f) parties are not at dispute and preliminary decree was passed by this Court in respect of these properties, accordingly, parties are agreed that Nazir may be directed to assess the value of the properties and auction the same and sale consideration received shall be distributed among the legal heirs as per sharia.

4) Properties mentioned above at Sr. No. g) and h) are not pressed by the plaintiff in terms of order dated 23.01.2012.

5) With regard to pension mentioned above at Sr. No. i) since defendants are not disputing that Mst. Talat Jabeen is widow of late Akhter Hussain, hence, parties are agreed that salary pension amount shall be given to both widows in equal shares, accordingly, Director General SBCA shall ensure that amount is released in favour of both widows within 15 days. In case of failure, Nazir shall ensure that such amount is collected and received by both the widows as per their shares as well future payment shall also be made in accordance with law without any delay.

6) With regard to property mentioned above at Sr. No. j) & k), Director General SBCA shall ensure that complete amount benefits of late Akhter Hussain are received by his all legal heirs in accordance with law. In case there is group insurance or any nomination, that amount shall be paid as per their service rules.

In terms of above instant suit is decreed.

CMA No. 8226 is reserved for orders that order would be announced within stipulated period.

JUDGE