

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Suit No. 193 of 2022

Order with signature of Judge(s)

1. For orders on CMA No.8605/2022 (Urgent Application)
2. For orders on CMA No.8606/2022 (u/s 151 CPC)

07.06.2022

Mr. Muhammad Ramzan Tabassum, Advocate for the plaintiff

1. Urgency granted.
2. Learned counsel for the plaintiff submits that this suit was disposed of vide order dated 21.02.2022 by application moved under order XXIII rule 3 CPC and a decree was drawn thereon and by referring to this Court's order dated 26.04.2022 points out that this Court mandated Nazir of this Court to execute the Deed of Relinquishment on behalf of defendant Nos.1 and 2 in respect of immovable properties mentioned in paragraph-2 of the consent decree, which decree per learned counsel, was drawn detailing schedule of properties provided as Annexure P/5, page 21. Counsel contends that in compliance of the said order Sub-Registrar has completed exercise in respect of eight (08) properties however relinquishment deed of the properties listed at Sr.6, 7 and 8 were not executed since there was error in description of the properties. Property Nos.6 and 7 were shops, whose numbers were omitted from the description.

Counsel has placed reliance on page No.103, which is an Indenture of Lease in respect of property No.7 and Annexure P/12, page 121, which is in respect of property No.6 and states that the plaintiff has lost original title documents in respect of property listed at Sr.No.8. A request is made through the instant application that the Nazir be directed to proceed with the execution of deed of relinquishment on

behalf of defendant Nos.1 and 2 in favour of the plaintiff in respect of these three properties also.

Having examined the annexures with regard to the properties listed at Sr.6 and 7 on pages 103 and 121, it appears that there was *bonafide* mistake while fully describing these properties, which on the face of it shows that these Indenture of Lease are in respect of shop Nos.147 and 148 respectively. Counsel's prayer in this regard is granted. Nazir is directed to proceed with the matter, as mandated by earlier order and to execute the deed of relinquishment on behalf of defendant Nos.1 and 2 before the Sub-Registrar concerned in respect of these two properties also.

With regard to property listed at Sr.8, learned counsel states that he has obtained certified true copies of the title documents. Nazir is directed to authenticate the veracity of such documents from the concerned Registrar and upon satisfaction with these documents match with the records available with the concerned Registrar, to proceed with the matter, as mandated by earlier order dated 26.04.2022.

JUDGE

B-K Soomro