

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No. 1018 of 2002

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of CMA No.2499/17 (application for bread open lock)

29.03.2017

Mr. Sarafaraz Ali holding brief for Mr. Nishat Warsi, Advocate.

Mr. Imtiaz Ali Effendi, Advocate for Auction Purchaser.

Mr. Ishrat Ghazali, Advocate for defendant No.1.

This is an application by the Auction Purchaser for break-open the locks of the property in question on which notice was ordered on 15.3.2017 which according to the office report has been issued to all concerned. The sale was confirmed vide Order dated 28.10.2016 and Nazir has furnished his report dated 2.2.2017. However, office has fixed this matter only for hearing of Application and Nazir's Report has not been listed and Counsel for defendant No.1 has raised an objection to that effect and so also regarding non-receipt of copy of listed application. However, since the listed application is linked with the Nazir's Report, the same is also taken up for orders. This report has been furnished pursuant to Order dated 28.10.2016, whereby, Nazir was directed to handover the possession of the property in question to the Auction Purchaser. It is also noted that defendants No.1 to 4 had earlier moved an application bearing CMA No. 3219 of 2016 contending that they are ready to buy out the share of plaintiff as well as defendant No.5. However the same was not pressed on 5.10.2016 and was accordingly dismissed and sale was confirmed thereafter on 28.10.2016

Nazir's Report reflects that since property in question is locked and there was no direction to break open the locks, therefore, he seeks permission of the same. Same request is also made through this application by the Auction Purchaser.

In the circumstances, application is allowed. Nazir's Report is taken on record by directing him to break open the locks and handover the possession to the Auction Purchaser.

Application also stands disposed of.

J U D G E

Ayaz P.S.