

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

Suit No.1075 of 2018

| Date | Order with signature of Judge |
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1. For orders on CMA 3852/22
2. For orders on CMA 2548/22

Dated: 08.03.2022

Mr. M. Umer Lakhani for plaintiff.
Mr. Rasheed Ashraf Mughal for defendants No.1 to 9.

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- 1) Urgency granted.
- 2) This suit is for specific performance in respect of a bungalow which last stood in the name of Mst. Amina Begum. After her sad demise the property devolved amongst her legal heirs. The property then transferred by Pakistan Employees Cooperative Housing Society Limited in favour of her all legal heirs which are available at page 83 of the file. Subsequently one of the legal heirs i.e. Rao Shahzad Ali Khan also expired whose legal heirs too were brought on record. Memorandum (Transfer Order) in respect thereof is available at page 87 of the file as Annexure P/8. All these legal heirs have been arrayed as defendants. Parties have reached to a settlement and have filed this application however one of the legal heirs of Rao Shahzad Ali Khan i.e (defendant No.10 Rao Muhammad Ali Khan) has denied the execution of agreement. In fact he asserted his right of first refusal over the property as being legal heir. This being the case, Mr. Lakhani submits that they (parties) would face the consequences in case he (defendant No.10) justifies and succeeds in establishing his first right of refusal. Mr. Lakhani further concedes that as a decree-holder against rest of the defendants his clients would surrender for a justified and lawful right of first refusal, if established by defendant No.10 and aforesaid decree would not come in the way.

With this understanding, the compromise application is seen, which is supported by affidavits of all legal heirs i.e. plaintiff and defendants through their respective attorneys except Rao Muhammad Ali, defendant No.10. Apart from the above the terms of compromise seems to be within the frame of suit. The application is accordingly granted and the suit is decreed in terms of compromise whereas it would remain pending against defendant No.10 who may contest it in accordance with law and as agreed this decree would not come in the way as far as his first right of refusal is concerned. Let the decree be drawn accordingly.

Judge