

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

**Suit No1192/2016**  
**S.M.A. No.135 of 2016**

Date	Order with Signature of Judge
	For Order on CMA No.17384/16 (U/O 10 Rule 10) For Hearing of CMA No. 8115/16 For Hearing of CMA No. 8116/16

20-12-2016

Dr. Farogh Naseem, Advocate along with petitioner Mst. Almas Amin.  
Legal Heirs, Haji Muhammad Iqbal (Defendant No.1 & Petitioner in SMA), Saud son of Shahid Iqbal, Mst. Erum and Muhammad Asif are present.  
Muhammad Amin attorney of Mst. Almas Amin in Suit No.1192/2016 is also present.

This Suit for administration has been filed by the plaintiff against the defendants in respect of Property bearing **No.JM-416, Bungalow No.30/6, Amil Colony, Street No.2, Jamshed Road, Karachi**, admeasuring about 815 Sq. Yds., which was in the name of her deceased mother Mst. Bilqees. Her case is that property be administered and sold for paying her share. Similarly, the SMA has been filed by defendant No.1 in the Suit (Husband of deceased), wherein, the plaintiff is respondent and the same also appears to be in respect of the same property detailing out all legal heirs in Para-4 which admittedly includes the Plaintiff in Suit, whereas, all other legal heirs appear to be on the side of defendant No.1/petitioner as they have given their No Objection affidavit(s) for the grant of letter of administration. In the circumstances, it appears that in both these matters, parties agree that the property in question was in the name of their deceased mother / wife and is therefore to be administered by the Court. The defendant No.1/petitioner present in Court does not dispute the factual position and submits that he undertakes to pay the share of plaintiff, whereas, he has already settled and entered into an understanding with other legal heirs. He however requests for suitable time in this regard.

Therefore, it would be in the fitness of things to pass a Preliminary Decree for administering the property. Accordingly let e

preliminary decree be prepared under Order 20 Rule 13 CPC in respect of the property in question by appointing the Nazir of this Court as Administrator to administer the same. Nazir is directed to first make an attempt of private sale, and if required may obtain valuation of the property. In such circumstances defendant No.1 is directed to pay off the share of plaintiff in Suit No.1192/2016. Insofar as other legal heirs are concerned, as stated, defendant No.1 shall settle their share either by paying off or by bringing their No objection or consent before the Nazir. In case the defendant No.1 fails to pay off the share of plaintiff, or private sale is not possible for any reason, the property be sold out as per rules through public auction and the sale proceeds shall be distributed amongst the legal heirs according to their respective share(s). Nazir shall carry out such exercise preferably within 60 days from the date of signing of preliminary decree.

Nazir's Fees is fixed at Rs.50,000/-, which shall be payable by all the legal heirs of the deceased to the extent of their respective shares. After completion of the exercise, Nazir shall submit his report for passing of necessary order(s) for the purpose of passing a final decree in the matter.

Office is directed to prepare preliminary decree under Order 20 Rule 13 CPC read with Appendix D in the above terms.

In view of the above, SMA has served its purpose and is disposed of accordingly with all pending applications in Suit and SMA.

*Ayaz*

JUDGE