

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

SMA No.88 of 2016

Date Order with signature of Judge

For orders on CMA No.1728/18 (if granted)

01.10.2018

Mr. Imtiaz Ali Effendi, Advocate for Petitioner.

Counsel pleads urgency pursuant to order dated 31.08.2018, whereby, while hearing CMA No.1491/2018, certain observations have been made by the Court. Learned Counsel submits that the two properties at Serial No.1 & 2 of the Schedule at Page 21 bearing Flat No.40-I, measuring 65 q. yds. on ground floor, Lal Shahbaz Nagar, Block-9, Federal "B" Area, Kaachi, and Shop No.F-16, measuring 11.55 Sq. yds (104 Sq. Ft.) on lower First Floor, Amma Tower, situated at N.I Lines Garden Road, Karachi cannot be mutated directly in the names of legal heirs as it is the case of Sub-Lease. However, he has complied with Order dated 31.08.2018 and requisite no objection/Relinquishment Deeds of other legal heirs have been placed on record.

However, I am of the view that insofar as Properties mentioned at serial No. 1 & 2 of the Schedule of Properties as above are concerned and for which office objections have also been raised, it appears that these two properties were owned by the deceased on the basis of "Sub-Leases" issued by the Builders and therefore they cannot be mutated in the record. In the circumstances, and to protect the interest of all the legal heirs and before the original documents could be returned, Nazir is directed to inform the concerned Sub-Registrars that the two

properties mentioned above were owned by the deceased on the basis of Sub-Leases and now the legal heirs are the joint owners of the properties in question on the basis of Letter of Administration. Once Nazir has intimated the Sub Registrars, the original title documents of all these properties may also be released upon proper identification and verification.

Application stands disposed of.

J U D G E

Ayaz