

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Suit No.1410 of 2016

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of CMA Nos:-

1. 9404/2016 (U/O 39 Rule 1 & 2 CPC.)
2. 9405/2016 (U/O 20 Rule 18 CPC)
3. 9406/2016. (U/O 26 Rule 1 CPC)

01.12.2016.

Mr. Abdur Rehman, Advocate for the plaintiff.
Mr. Muhammad Noman Jamali, Advocate for the defendants.
Mr. Sharafuddin Mangi, State Counsel.

2. Both the learned submits that this is a Suit for Partition, wherein, the plaintiff and defendants are equal share holders to the extent of 50% each and they have no objection if a Preliminary Decree is passed under Order 20 Rule 18 CPC.

In such circumstances and in fitness of the matter, by consent, listed application is allowed by passing a preliminary decree in terms of Order XX Rule 18 (2) CPC by appointing the Nazir as Administrator in respect of the property bearing Shop No.2, admeasuring 221.75 sq. yds situated on the ground floor of the building known as Hajra Mansion on Plot of land bearing Survey No.17, Sheet No.SB-5, measuring 477 sq. yds. alongwith 8.14% undivided share in the lease-hold rights of the said plot of land, situated on Elphinstone Street (Now Zainunissa Street), Saddar, Karach, with the mandate to partition the property with metes and bounds, if possible, and then to allot actual share by division and possession thereof. If the property cannot be partitioned with metes and bounds, then Nazir is authorized to carry out the sale of the property firstly through auction amongst the parties to the Suit and in the alternative through open auction,

whereafter, the amount be distributed amongst the legal heirs according to their respective share(s).

Nazir's fee is tentatively fixed at Rs. 50,000/-, which shall be payable by all the parties to the extent of their respective shares. After completing the exercise, Nazir shall submit his report for passing of necessary orders(s) for the purposes of passing a final decree in the matter.

Office is directed to prepare preliminary decree under Order 20 Rule 18(2) CPC in the above terms. Listed application stands disposed of.

1-3. These applications are disposed of in view of Order passed on application listed at Serial No.2.

J U D G E

Avaz P.S.