

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH AT KARACHI  
Suit No.1487 of 2016

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on CMA No.9810/16 (If granted)
2. For orders on CMA No.9811/16 (U/O 39 Rule 1 & 2 CPC.)

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14-06-2016.

Mr. Rafiq Ahmed Kalwar, Advocate for the plaintiff.

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1. Granted.
  2. This is a Suit for specific performance of Contract/Agreement dated 20.02.2015 and Addendum dated 28.08.2015 in respect of Bungalow (ground plus one) No.147, Commercial Avenue, Phase-VII, measuring 1000 Sq. Yds. Pakistan Defence Officers Housing Authority, Karachi. Learned Counsel for the plaintiff submits that pursuant to the Agreement, the plaintiff paid 25% of the total sale consideration of Rs.120 Million amounting to Rs.30.5 Million. Counsel further submits that the property in question was under construction at the time of Agreement and was under "A" lease at the relevant time, whereas, the defendant No.1 was constructing the same out of the funds paid by the plaintiff. Learned Counsel further submits that thereafter an Addendum dated 28.08.2015 was entered into by virtue of which the price of the property was also increased by 5 Million Rupees and the plaintiff issued a cheque dated 02.11.2015 for the same amount, however, as soon as it came to the knowledge of the plaintiff that due to increase in the property prices, the defendant No.1 is trying to sell the same to any other buyer, the said cheque was stopped for payment. He further submits that thereafter the plaintiff made two attempts to make payment of Rs.5 Million through Pay Orders, however, the defendant refused to accept the same and has instead issued a Legal Notice, whereby, the agreement in question was allegedly terminated. Counsel submits that the defendant is now once again trying to sell the property in question, whereas, the plaintiff has approached the relevant authorities including D.H.A. and Cantonment and also given public notice in daily newspaper regarding conduct of defendant No.1.

Let notice be issued to the defendants for 27.06.2016. Till the next date of hearing, the defendants No.1 & 2 shall maintain status-quo in respect of the property in question, and no third party interest be created.

J U D G E

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