

ORDER SHEET  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Suit No.2194 of 2016

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on CMA No.5451/18 (U/S 151 CPC)
  2. For hearing of CMA No.14441/16.
  3. For hearing of CMA No.8822/2017.
  4. For examination of Parties/Settlement of Issues.
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**12.04.2018**

Mr. G.M Bhutto, Advocate for Plaintiff.  
Ms. Atiya Agha, Advocate for Defendant.

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1. This application has been filed in response to Order dated 16.03.2018, whereby, the Defendant was directed to deposit the original title documents of the property in question by clarifying earlier order dated 02.11.2016 through which the plaintiff was given same directions. Through this application it has been contended that Defendant is not in possession of the original documents and learned Counsel submits that it is only the certified true copies of the documents which were and are available and the Sale Agreement in question was also on the basis of CTC documents and for that reason the selling price was much lower than the market value. She has referred to the averments made in the written statement to substantiate her contention. Though such assertion may be correct as stated, but perusal of the agreement reflects that there is no such disclosure in respect of the documents in question. Since, agreement has not been denied, whereas, Plaintiff has deposited the balance sale consideration pursuant to Order of this Court dated 18.10.2016, proprietary demands that title documents of the property be deposited with the Nazir of this Court. But since they are not available as stated, accordingly this application is though dismissed; however, the Defendant shall file its personal affidavit in Court to the

effect that he will abide by the contents of Para 8 of the Agreement which is an admitted document. However, this is without prejudice to the contention of the defendant that agreement in question has been terminated by him.

2. This application has served its purpose pursuant to order dated 18.10.2016 and deposit of balance sale consideration. It is accordingly disposed of by directing the Defendant to maintain status-quo till the disposal of this Suit.

3-4. Adjourned. Counsel for the Plaintiff to come prepared on Order VII Rule 11 application (CMA No.8822/2017) on the next date.

Ayaz

J U D G E