## ORDER SHEET

## IN THE HIGH COURT OF SINDH, KARACHI SMA NO. 269 / 2019

Date Order with signature of Judge

- 1) For orders on CMA No. 1521/2019.
- 2) For orders on CMA No. 1522/2019.

## 02.09.2019.

Mr. Nadeem Pirzada Advocate for Petitioner.

\_\_\_\_\_

- 1) Granted.
- 2) This is an application for appointment of receiver under Order 40 CPC in respect of one of the properties of deceased i.e. 200 Acres of land in Deh Thoming, Scheme 33, Karachi, mentioned at Serial No.25 of the Schedule of properties. Counsel submits that the said property was in dispute and NAB had frozen it with the consent of deceased in 2012, which order was confirmed by the Accountability Court on 29.1.2013, whereas, the deceased thereafter entered into a plea bargain which was allowed by the said Court vide order dated 23.11.2016; however, the deceased in his lifetime could not make compliance of the said plea bargain order and expired on 5.3.2019; hence this application by the legal heirs of deceased. He submits that appointment of receiver is necessary and inevitable as the property in question has been encroached.

I have heard the learned Counsel and I am of the view that such an application for appointment of receiver cannot be entertained in a Succession Petition as it is apparently outside the purview of such testamentary jurisdiction under the Succession Act. For the relief being sought through this application, the Petitioner / legal heirs may seek appropriate remedy as may be provided in law. Accordingly, the application being not maintainable in this jurisdiction is dismissed in limine.

JUDGE