

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
High Court Appeal No.340 of 2021

Date	Order with signature of Judges
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Fresh Case.

1. For orders on C.M.A. No.2557/2021 (U/A).
2. For orders on C.M.A. No.2558/2021 (Exemp. App.)
3. For hearing of main case.
4. For orders on C.M.A. No.2559/2021 (Stay)

24-12-2021

Syed Ahmed, advocate for the appellants.

1. Granted.
2. Granted subject to all just exceptions.
- 3-4. Instant appeal has been filed against the order dated 25.11.2021 passed in Suit No.654/2016, whereby, according to learned counsel for the appellants, the learned Single Judge has been pleased to pass the impugned order directing the Nazir of this Court to evaluate current market value of the property being House No.96, 13th Lane Khayaban-e-Sehar, Phase-VII, D.H.A. Karachi, whereas, the appellant has already made payment of Rs.50,00,000/- to the respondents in respect of such property pursuant to some family settlement. It has been further contended by the learned counsel for the appellants that further directions have also been issued to the appellants to deposit balance amount towards the said property. According to learned counsel for the appellants, learned Single Judge has not taken cognizance of the aforesaid fact, whereas, the suit filed by the appellant being Suit No.254/2019 has also been taken for hearing along with Suit No.654/2016, wherein, such order has been passed. From perusal of the impugned order, it appears that directions have been issued to Nazir of this Court to evaluate current market value of the property, therefore, appellants are at liberty to point out this aspect of the matter and the payment, if any, made by the appellants to the respondents through family settlement in respect of aforesaid property can be taken into consideration by the learned Single Judge at relevant point of time.

Accordingly, instant High Court Appeal is disposed of with the direction to the appellants to point out aforesaid aspect of the matter to the learned Single Judge, whereas, it is expected that before passing further order in the instant matter learned Single Judge may consider all such objections and facts as prevailed in the connected Suit No.254/2019 filed by the appellants in accordance with law.

Instant High Court Appeal stands disposed of in the above terms along with listed application.

J U D G E

J U D G E

Nadeem