

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH AT KARACHI**

*High Court Appeal No.325 of 2021*

<i>Date</i>	<i>Order with signature of Judge</i>
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Disposed of Case:

1. For orders on CMA No.117/2022 (U/A)
2. For orders on CMA No.118/2022 (U/O 47 Rule 1 CPC)
3. For orders on CMA No.119/2022 (U/O 41 Rule 5 CPC)

**20.01.2022:**

Mr. Abdul Sattar Pirzada, advocate for the appellant  
along with Mr. Mamoon N. Chaudhry, advocate.

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1. Granted.
- 2-3. After hearing the learned counsel for the appellant at some length and while confronted as to maintainability of instant applications, and to point out any error in the order passed by this Court on 12.01.2022, which may require this Court to review the same, learned counsel for the appellant could not point out any such error or defect in the order as referred to hereinabove, has candidly submitted that since the matter relates to distribution of share amongst the legal heirs out of sale proceeds of the subject property, whereas, due to unavoidable circumstances, the appellant could not bring the highest buyer of the subject property within 45 days as given by the learned Single Judge, therefore, prays that appellant may be allowed to bring the buyer, whose affidavit has also been annexed along with listed applications, to offer much higher price of subject property in the sum of Rs.35 Crores, so that higher amount of share may be distributed among the legal heirs out of sale of such property.

We have heard the learned counsel for the appellant, perused the contents of the listed applications and the impugned order as well as the order passed by this Court on

12.01.2022, which reflects that keeping in view the fact that on 02.02.2021 a consent order was passed relating to sale of the subject property, and whereafter, necessary steps have been taken in accordance with law and as per directions of the Court, the order dated 15.11.2021 passed by the learned Single Judge, which was assailed through instant High Court Appeal was maintained, and the appeal was dismissed accordingly. Prima-facie, there seems no ground for seeking review of the order passed by this Court on 12.01.2022, therefore, both the listed applications being misconceived are dismissed in limine.

However, it may be observed that appellant be at liberty to approach the learned Single Judge with offer of higher price of the subject property through a proposed buyer whose affidavit to this effect has also been filed along with listed applications, according to which, the proposed buyer has offered an amount of Rs.35 Crores in respect of the subject property, which may be considered by the learned Single Judge in accordance with law, however, subject to all just exceptions and the objections by the respondents, provided there is no legal impediment in this regard, who may pass appropriate order after hearing the parties strictly in accordance with law.

**JUDGE**

**JUDGE**