

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
HCA No.363 of 2019

Order with Signature of Judge(s)

Fresh Case:

1. For order on CMA No.3858/2019 (Urgent)
2. For order on CMA No.3859/2019 (Exemption)
3. For hearing of main case.
4. For order on CMA No.3860/2019 (Stay)

29.11.2019.

Mian Ashfaq Ahmed, Advocate for the appellants.

1. Urgency granted.

2-4. The instant High Court Appeal (**HCA**) has been filed impugning the order dated 13.11.2019 passed by the learned Single Judge in Suit No.369 of 2012.

The counsel appearing for the appellants submit that the order of the learned Single Judge is not in accordance with law as the learned Judge was not justified in directing the Official Assignee to conduct open public auction of the suit property as according to him since the value of the property is quite high hence it is possible that the appellants and respondents would not be able to offer a reasonable price of the property.

Heard and perused the record.

On the face of it this HCA appears to be misconceived and not maintainable, as the facts of the matter clearly reveal that directions were issued to the Official Assignee to proceed with the matter for selling out the property and the respondent No.6 was directed to deposit 25% of the

offer given by her regarding Rs.13 Crore with the Official Assignee with further direction that if any legal heir wants to exceed the offer, he or she has to deposit 25% of such offer with the Official Assignee. However, it is noted that since no offer was made by any of the parties, including the present respondent No.6, it was requested before the learned Single Judge to extend the time with a further request that the person giving the best offer deposit a pay order of the 25% of the said offer. The learned Single Judge upon hearing the parties allowed the parties to submit their respective offers before the Official Assignee on or before 30.11.2019 till 12:00 Noon. The learned Single Judge also directed to hold a competition with regard to the best offer among the appellants as well as the respondents. In view of these categorical findings, we do not find anything wrong in the order of the learned Single Judge. Even the counsel appearing before us has failed to justify as to what is wrong with the order of the learned Single Judge as on the given date a competition with regard to the best price offered by the parties would be made and thereafter the matter, which is pending since quite some time, would be finally laid at rest. Hence, under the circumstances, we do not find any merit in the present HCA, which appears to be a device for frustrating the proceedings, which are to be concluded or culminated by the Official Assignee. The instant HCA thus is found to be wholly misconceived and not maintainable therefore stands dismissed in limine alongwith the listed applications.

Judge

Judge

Order of Single Judge
on 30/11/19
Official Assignee