

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
HCA No.365 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGES
------	--------------------------------

For order on Nazir report dt. 4.5.2019 at flag 'A'

**31.05.2019**

Mr. Liaquat Ali Khan, advocate for the appellants.

Mr. Imran Khan, advocate for the respondents.

-----

In the instant matter an application was filed bearing CMA No.1140 of 2019 by the appellants that the Nazir of this Court may be directed not to conduct auction proceedings in respect of the property bearing House No.864, Block-14, Federal-B Area, Karachi pertaining to the deceased Allah Diaya Khan (father of the parties), as it was categorically stated that the appellants are ready to deposit the respective shares of the respondents within one month's time with the Nazir of this Court. The said application was disposed of as per the request of the appellants on 02.04.2019 by specifically directing the appellants to deposit the respective due shares within one month's time from today with the Nazir of this Court. Nazir has furnished his report by clearly mentioning that the appellants have not deposited the amount towards the respective due shares of the respondents with his office.

2. The counsel for the appellant and the respondents are present before us the counsel for the appellants admitted that the said exercise was not conducted in a timely manner and seeks further time which is opposed by the respondents and stated that the appellants are only lingering on the matter on one pretext or the other and the respondents are suffering in this behalf.

3. We have heard both the counsel at some length and have perused the record.

4. From the facts obtaining in the instant matter it is evident that the appellants are avoiding firstly to deposit the respective shares of the

respondents and secondly had previously hampered the auction proceedings by filing an application on the ground that they are ready to deposit the respective shares of the respondents which admittedly has not been done. Hence from the facts obtaining in the instant matter it is evident that the appellants are un-necessarily and deliberately lingering on the matter on one ground or the other for the reasons best known to them. We therefore, under the circumstances and in the interest of justice direct the Nazir to get the above mentioned property immediately auctioned and thereafter to disburse the shares of the appellants and the respondents in accordance with sharia. The appellants and respondents however, would be at liberty to participate in the auction proceedings, if they so desire. It is expected that the said exercise would be completed within one month's time from today. The matter stands disposed of accordingly.

JUDGE

JUDGE

Imran