

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

SUIT NO.2754/2021

Date

Order with signature of Judge

For hearing of CMA No.20481/2021

25.11.2021

Mr. Umair Bachani advocate for plaintiff.

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Listed application seeks to restrain defendants from creating third party interest on subject matter properties as described in paragraph No.6 of the plaint. Brief facts of plaintiffs' case are that Plaintiffs No.1 and 2 through letter dated 10.12.2004 requested the competent authority for allotment of land for residential/commercial purposes on 99 years lease, summary was put up before competent authority, plaintiffs complied with required formalities including payment of challan, signed lease agreement for their respective lands and were finally allotted the land by the Land Utilization Department vide Memo No.PS/MER/(LU)/1055/1995 dated 15.06.1995 followed by entry in the record of rights. They requested for regularization of the land, on 29.11.2005 they received offer letter confirming their allotment with direction to deposit differential amount of Rs.28,40,000/- each, such challan was issued but due date of the challans was 28.12.2005 and at that time plaintiffs were not able to deposit the differential amount due to financial constraints, that since they were and are legal allottees of suit lands and in possession thereof moved application on 06.07.2021 for regularization of suit lands, after acceptance of their request, challan dated 04.10.2021 was issued in the sum of Rs.28,40,000/- each, that were paid by respective plaintiffs on 03.11.2021 but their lands were not regularized without any justification by concerned Department.

2. Be that as it may, Nazir shall inspect subject matter properties and submit report with regard to present status and possession. He would be entitled to receive fee of Rs.30,000/-. Besides, defendants are restrained that they shall not take any coercive action against plaintiffs as well no third party interest shall be created on subject matter properties.

To come up on 15.12.2021.

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