

# IN THE HIGH COURT OF SINDH, KARACHI

*High Court Appeal No. 230 of 2017*

**Before:**

*Mr. Justice Aqeel Ahmed Abbasi  
Mr. Justice Abdul Mobeen Lakhoo*

**Hearing / Priority**

1. *For hearing of Main Appeal.*
2. *For hearing of CMA No. 1380/2017.*

**23.05.2022:**

Mr. Farmanullah, advocate for the appellant  
a/w. Ms. Syeda Maleehay Shaikho,  
Assistant Manager Corporate Litigation,  
Legal Affairs, K-Electric.

Mr. Farrukh Usman, advocate for respondents  
a/w. respondents No. 1 & 2 present in person.

## **O R D E R**

An application seeking disposal of instant High Court Appeal on the basis of mutual settlement reached between the parties outside the Court has been filed, which is duly signed by the authorized officer of the appellant, namely, Ms. Syeda Maleehay Shaikho, Assistant Manager Corporate Litigation, Legal Affairs and the respondents, as well as by their respective counsel, whereas, the same is duly accompanied by affidavits of the parties and copy of a Pay Order bearing No.06577047 dated 12.05.2022 drawn by HBL, HBL Plaza Branch, Karachi of Rs. 6,500,000/- [Rupees Sixty Five Lac only] in favour of respondent No.1. The same is taken on record. Office is directed to allot number the application accordingly.

The authorized officer of the appellant is present in Court alongwith her counsel, whereas, respondents No. 1 & 2, who are parents of deceased, namely, Muhammad Anas, are also present in Court, who have duly verified the contents of the compromise reached between the parties, whereas, respondents have stated that they have received the original Pay Order of Rs.65,00,000/-[Rupees Sixty Five Lac only] towards final settlement of the judgment and decree passed in the instant case, whereas, they will not press the Execution No.170 of 2018, which stands satisfied pursuant to aforesaid settlement.

Since the parties have settled their dispute outside the Court, therefore, there seems no impediment to grant the compromise application, which is accordingly, by consent, granted in the terms as stated therein, which are reproduced herein under for the sake of brevity:-

*“1. The Appellant and the Respondent No. 1 & 2 (“Respondents”) have amicably settled outside the Court the claim arising out of impugned Judgment and decree, passed by the Learned Single Judge of Honourable High Court in Suit No. 883/2009 by which Respondents have agreed to accept a sum of Rs.65,00,000/- (six and half million) as offered by the Appellant for full and final settlement of their claim.*

*2. The Appellant have made the payment of the above sum by way of Pay Order/Cheque # 06577047 dated 12-05-2022, to be drawn on (Bank) Habib Bank Limited, in the name of the Respondent (father) namely Muhammad Razi, in the sum of Rs.65,00,000/- (sixty five lacs) for which the Respondent (mother) Naseem Bano, has no objection and the respondents acknowledge the payment as above.*

*3. The parties to the appeal agreed that the settlement, as above, does not mean admission of liability as this financial settlement as stated in Para 1 above is done*

*with the Respondents in this HCA exclusively, and it shall not be relied upon by any other party/person except the parties to this HCA.*

*4. The parties further agreed that as a consequence of the above settlement, the Execution No. 70 of 2018 (Muhammad Razi and another v. K-Electric) pending in the High Court of Sindh for enforcement of the impugned judgment and decree, will be deemed to have been satisfied upon payment of Rs.65,00,000/- (sixty five lacs only) in terms of the above settlement and will be accordingly consigned being dismissed as compromised. The copy of the order passed on this application will be placed in the Execution file to close that file as per settlement.*

*5. That the parties in view of above also agreed that the Bank Guarantee deposited by the Appellant in compliance of Order dated 29.10.2019 with the Nazir of this Hon'ble Court be returned to the Appellant."*

Instant High Court Appeal stands disposed of  
alongwith listed application(s).

**J U D G E**

**J U D G E**

A.S.