

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

H.C.A. No.290 of 2023

[Mst. Nadra Jawed and others v. Muhammad Shehzad and others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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**Present: - Muhammad Shafi Siddiqui
Jawad Akbar Sarwana, JJ**

Hearing case (priority)

1. For orders on office objection/reply at "A".
2. For hearing of main case.
3. For hearing of CMA No.3359/2023 (stay).

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Dated 20.10.2023

Syed Ahsan Imam Rizvi, Advocate for Appellants.

Mr. Khursheed Javed, Advocate for Respondent No.1.

Mr. Muhammad Ajmal Awan, Advocate for Respondents No.3.

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The only controversy raised by Mr. Rizvi is that since last several years they have been receiving rent and their livelihood is dependent on the income of the rent, they may be allowed to receive the entire rent, however, the additional amount that is over and above their "share", would be a lien over the property which may be recovered by the respondents at the conclusion of the trial of suit, if they succeed. This proposal is not acceptable by the Respondents, especially by Mr. Khursheed Javed. Mr. Khursheed Javed, learned counsel for Respondent No.1 submits that they would not object to the extent of payment claimed as per their entitlement/share under Muhammadan Law. Be that as it may, in view of such objection we would only direct the Nazir to allow the Appellants to withdraw the amount out of the rent proceeds to the extent of appellants' share only, whereas, rest of the amount shall remain with the Nazir duly invested in some best available profit bearing scheme.

Mr. Rizvi insists that the learned single Judge though decided the injunctive issues, however, the main controversy is regarding maintainability of suit and it being barred by time and that has not

been heard and decided. The Appellants are at liberty to address the Court orally or by moving an application as deemed fit and proper as to the maintainability of the suit, which shall be decided at the earliest.

The instant Appeal is disposed off accordingly along with pending application(s) in the above terms.

JUDGE

JUDGE

Ayaz Gul