

ORDER SHEET
HIGH COURT OF SINDH, KARACHI
H.C.A No. 92 of 2022

Date: Order with signature(s) of Judge(s)

1. For order on office objection
2. For hearing of main case
3. For hearing of CMA No. 640/2022
4. For hearing of CMA No. 641/2022

29.11.2023

Mr. Sami Ahsan, advocate for the appellant
Mr. Jaffar Raza, advocate for respondents No.3 to 5
Mr. Abdul Jalil Zubedi, AAG

The two suits referred by counsel before us are different insofar as properties are concerned. In Suit No.657/2012 the property which is subject matter is bearing No.115 measuring 600 square yards, Survey No. 118, situated at Defence Officers Housing Scheme, Near National Stadium, Faisal Cantonment, Karachi, wherein the appellant being the plaintiffs has prayed that they may be declared as lawful and real owners of the suit property whereas other suit with which the aforesaid suit was being taken up and detagged in terms of impugned order is for administration and it does not disclose the property which is subject matter of the earlier suit i.e. Suit No.657/2012. Suits were rightly detagged as in a suit for administration the property owned by the deceased forms the subject matter whereas in the earlier suit bearing No. 657/2012 a declaration of exclusive ownership was claimed. No reason available that the two suits could have proceeded together through a common evidence and in the interim order it was rightly observed that the two suits seems to be of different nature for many different reasons and was accordingly detagged.

We do not find any reason to interfere in the impugned order. This High Court Appeal is dismissed.

JUDGE

JUDGE

Amjad/PA